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1 – Deer Park plant fire spreads to eight tanks; shelter-in-place lifted, Houston Chronicle, 3/18/19

<https://www.chron.com/news/houston-texas/houston/article/Deer-Park-plant-fire-spreads-to-five-more-tanks-13696392.php>

Deer Park officials have lifted the shelter-in-place after a petrochemical fire that has now spread to eight tanks. Deer Park emergency officials said at 5:30 a.m. that no air quality readings from the fire at Intercontinental Terminals Company "have exceeded action levels."

2 - New Mexico issues river warning after blizzard causes Colorado plant failure, Denver Post, 3/15/19

<https://www.denverpost.com/2019/03/15/new-mexico-water-plant-failure-blizzard/>

The winter storm that blasted through the West this week knocked out a mine wastewater treatment plant in Colorado, prompting officials to warn Friday against using water from two rivers downstream in New Mexico.

3 - Environmental impact statement proposes keeping mine open until 2033, Farmington (NM) Daily Times, 3/16/19

<https://www.daily-times.com/story/news/2019/03/16/eis-recommends-keeping-san-juan-mine-open-least-another-decade/3178160002/>

The San Juan Mine could continue to provide coal to the San Juan Generating Station, or another customer, until 2033. The final Environmental Impact Statement for the mine's Deep Lease Extension recommends allowing up to 53 million tons of coal to be removed from the mine. That would allow the mine to supply coal to the power plant for at least another decade should it stay open past 2022.

4 - Pollutants judged too high at 4 Arkansas waste sites, Arkansas Democrat-Gazette, 3/17/19

<https://www.arkansasonline.com/news/2019/mar/17/pollutants-judged-too-high-at-4-waste-s/>

Otero County Commissioner Gerald Matherly wanted to start a discussion about possible water contamination at Holloman Air Force Base, and it happened at the Otero County Commission regular meeting March 14.

5 - Otero County gets briefing on HAFB water issues, drinking water is fine, Alamogordo (NM) Daily News, 3/16/19

<https://www.alamogordonews.com/story/news/local/community/2019/03/16/otero-county-gets-briefing-hafb-water-issues/3174506002/>

Ethanol consumption fell in 2018 for the first time in 20 years, an industry group said today, blaming the decline on EPA's decision to ease ethanol blending requirements for some small refineries.

6 – Dump contracts in review stages, Arkansas Democrat-Gazette, 3/16/19

<https://www.arkansasonline.com/news/2019/mar/16/dump-contracts-in-review-stages-2019031/?news-arkansas>

Contracts to expand efforts to extinguish an underground landfill fire in Bella Vista are in the early stages of review, according to the state Department of Environmental Quality.

7 – How climate hogged the CERAWEEK spotlight, E&E News, 3/18/19

<https://www.eenews.net/energywire/2019/03/18/stories/1060127507>

One of the world's most prominent oil and gas conferences took on a new and rare note of climate urgency last week — a departure from the days of worrying about the dizzying ups and downs of production. Although it was CERAWEEK by IHS Markit, it often sounded more like climate week.

8 - East Lubbock Community Alliance begins testing air quality affected by industrial zoning, KCBD, 3/15/19

<http://www.kcbd.com/2019/03/15/east-lubbock-community-alliance-begins-testing-air-quality-caused-by-industrial-zoning/>

The East Lubbock Community Alliance is in the process of powering up the first of several air quality monitors set to see if industrial zoning concentrated in North and East Lubbock has any negative impact on residents.

9 - Public Service Co. of Oklahoma obtains approval of settlement in rate case before Corporation Commission, The Oklahoman, 3/15/19

<https://www.eenews.net/climatewire/2019/03/18/stories/1060127485>

Oklahoma's Corporation Commissioners on Thursday unanimously approved a rate case settlement agreement with Public Service Co. of Oklahoma that will boost the average residential customer's bill by \$2.38 a month.

10 – Students globally protest warming, pleading for their future, E&E News, 3/18/19

<https://www.eenews.net/climatewire/2019/03/15/stories/1060127413>

Students across a warming globe pleaded for their lives, future and planet Friday, demanding tough action on climate change. From the South Pacific to the edge of the Arctic Circle, angry students in more than 100 countries walked out of classes to protest what they see as the failures by their governments.

11 – Owners seek second hog farm permit, Arkansas Democrat-Gazette, 3/17/19

<https://www.arkansasonline.com/news/2019/mar/17/owners-seek-second-hog-farm-permit-2019/?news-arkansas>

Co-owners of a Newton County hog farm have resubmitted their application to build a hog farm in Franklin County. Philip Campbell and Jason Henson, who co-own C&H Hog Farms with Richard Campbell, withdrew the application late last year after the Arkansas Department of Environmental Quality asked for more information, saying they needed more time.

12 – EPA bans consumer use of deadly paint stripper, in rare step, Fox 25, 3/16/19

<https://okcfox.com/news/local/epa-bans-consumer-use-of-deadly-paint-stripper-in-rare-step>

The Environmental Protection Agency on Friday banned consumer use of a popular but deadly paint stripper but stopped short of also banning commercial use of the product by tradespeople.

13 – City-parish drainage director discusses projects in the pipeline, Baton Rouge Advocate, 3/17/19

https://www.theadvocate.com/baton_rouge/news/article_97a4f2a0-361e-11e9-83f5-b75989197aee.html

The City of Central has stated that since the 2016 flood it has cleaned or removed debris from an estimated linear footage of drainage channels at 248,420 feet, or 47 miles. The Advocate has reported that Livingston Parish is receiving \$50 million from the federal government to clear 300 miles of waterways. What type and kind of drainage work has East Baton Rouge Parish completed since the 2016 flood?

14 – Water and sewer project may cost 3 times estimate, Shreveport Times, 3/15/19

<https://www.shreveporttimes.com/story/news/2019/03/15/water-and-sewer-cost-largely-underestimated/3168783002/>

The original 2014 estimate on a federally-mandated water and sewer project was off by hundreds of millions of dollars, according to the Director of the Water and Sewer Department.

15 – New drainage pump station under construction near Jean Lafitte, New Orleans Times-Picayune, 3/16/19

<https://www.nola.com/environment/2019/03/new-drainage-pump-station-under-construction-near-jean-lafitte.html>

Jefferson Parish officials broke ground this week on a \$3.2 million drainage pumping station to mitigate flooding in the Jean Lafitte area. Goose Bayou Station No. 2 is being built along Central Avenue in lower Lafitte with two electric pumps, each with the capacity to move water into The Pen at a rate of 35 cubic feet per second, and a diesel backup generator.

16 – Bill would extend permits for infrastructure, E&E News, 3/15/19

<https://www.eenews.net/greenwire/2019/03/15/stories/1060127441>

Legislation from California Democratic Rep. John Garamendi would extend pollution permits with the goal of helping local water infrastructure projects. H.R. 1764 would amend the Federal Water Pollution Control Act to let regulators issue National Pollutant Discharge Elimination System permits to states or municipalities for up to 10 years, an increase from the current limit of five years.

17 – Recent Federal Developments March 16, 2019, National Law Review, 3/16/19

<https://www.natlawreview.com/article/recent-federal-developments-march-16-2019-epa-fda-tsca-fifra-tri>

Recent Federal Developments covering: TSCA, FIFRA, TRI, RCRA, CERCLA, CWA, CAA, PHMSA, FDA, nanotechnology, biobased and renewable products and miscellaneous legislative updates.

Deer Park plant fire spreads to eight tanks; shelter-in-place lifted

By Julian Gill Updated 8:31 am CDT, Monday, March 18, 2019



IMAGE 1 OF 13

Smoke from a petrochemical fire at Intercontinental Terminals Company in Deer Park, seen from Independence Parkway, covers the morning sky on Monday, March 18, 2019.

Deer Park officials have lifted the shelter-in-place after a petrochemical fire that has now spread to eight tanks.

Deer Park emergency officials said at 5:30 a.m. that no air quality readings from the fire at Intercontinental Terminals Company "have exceeded action levels."

Air quality levels are currently listed as "moderate," according to AirNow.gov.

Low levels of particulate matter have been detected, and a "single volatile organic compound detection" has been found about 6 miles southwest of the facility, according to ITC news release.

The air quality readings are currently below hazardous levels, ITC said.

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HOUSTONCHRONICLE.COM

INVESTIGATES: **Dangerous chemicals
create hidden dangers in Houston**

No injuries have been reported.

production of finished gasoline and base oil
from Intercontinental Terminals Company. The

production of nail polish remover, glues and

paint thinner, according to ITC.

The chemicals in the original two tanks that caught fire are Naptha and Xylene, both components in gasoline. According to earlier reports, Naptha can irritate the nose and throat when breathed, and poisonous gases are produced when it's exposed to fire.

Deer park officials have re-opened State Highway 225. Portions of Independence Parkway will remain closed until further notice.

Meanwhile, Deer Park Independent School District closed all campuses today, as well as all after school activities. La Porte ISD also cancelled classes.

"Emergency Services Director Robert Hemminger indicated that this is still a dynamic incident and air monitoring will continue," according to a tweet from the Deer Park Emergency Management Office.

"Residents are encouraged to monitor City social media for updates."

New Mexico issues river warning after blizzard causes Colorado plant failure

Fluctuating electrical power shut down the treatment plant below the inactive Gold King Mine.



Dan Elliott, Associated Press file

This July 27, 2017 file photo shows a U.S. Environmental Protection Agency wastewater treatment plant in the San Juan Mountains outside Silverton. Effects of a storm that struck the area Wednesday, March 13, 2019 were still being felt, as fluctuating electrical power knocked the plant offline Thursday night, and an avalanche blocked the access road to the facility.

By THE ASSOCIATED PRESS |

PUBLISHED: March 15, 2019 at 11:56 pm | UPDATED: March 16, 2019 at 12:33 am

The winter storm that blasted through the West this week knocked out a mine wastewater treatment plant in Colorado, prompting officials to warn Friday against using water from two rivers downstream in New Mexico.

Fluctuating electrical power shut down the treatment plant below the inactive Gold King Mine in southwestern Colorado on Thursday night, the U.S. Environmental Protection Agency said.

The EPA, which oversees the plant, said it did not believe downstream drinking water would be harmed.

But the New Mexico Environment Department warned against using water from the San Juan and Animas rivers because of the treatment plant failure. It said anyone who uses the rivers for drinking water or irrigation should take appropriate precautions, but it did not say what those precautions might be.

New Mexico officials said the U.S. Geological Survey will test water and sediment from the rivers.

It was not clear how long the plant would be offline. The EPA said a long-term shutdown could affect fish and other aquatic life.

Operators have not been able to reach the plant because the access road is blocked by at least one avalanche, and it could take several days to clear the route, EPA spokeswoman Cynthia Peterson said.

The plant can be operated remotely and no one was at the site when the avalanche occurred.

The plant was installed after the EPA inadvertently triggered a wastewater spill from the Gold King in 2015, contaminating rivers in Colorado, New Mexico and Utah.

Earlier Friday, two Colorado campers were found safe after they got caught in the storm.

Authorities say 20-year-old Michael Lee Gomez and 19-year-old Olivia Megan Schack, both of Arvada, were found near Ward, west of Boulder.

They had gone camping on Tuesday. The blizzard struck southeast Wyoming and northeast Colorado on Wednesday and Thursday, and the two took refuge in their car.

The storm knocked out electricity in several parts of Colorado. Thousands of homes and businesses were still without power Friday, mostly in the Denver area. Xcel Energy brought crews from other states to help with restoring service.

Colorado and Wyoming residents were still digging out Friday, but most schools and government offices reopened. Major interstates in both states were open although crews were still clearing snow from some secondary roads.

Environmental impact statement proposes keeping mine open until 2033

Hannah Grover, Farmington Daily Times

Published 1:57 p.m. MT March 16, 2019 | Updated 3:03 p.m. MT March 16, 2019



An Office of Surface Mining, Reclamation and Enforcement evaluation says the San Juan Mine in Waterflow, seen here in a January 2016 file photo, has the capacity to stay open until 2033, regardless of which entity buys its product. (Photo: The Daily Times file photo)

FARMINGTON — The [San Juan Mine \(/story/news/local/2018/10/28/san-juan-mine-faces-multiple-challenges-upcoming-years/1651438002/\)](https://www.daily-times.com/story/news/local/2018/10/28/san-juan-mine-faces-multiple-challenges-upcoming-years/1651438002/) could continue to provide coal to the San Juan Generating Station, or another customer, until 2033.

The final [Environmental Impact Statement for the mine's Deep Lease Extension \(/story/news/local/2018/06/27/federal-agency-solicits-public-comments-future-san-juan-mine-coal-climate-change-mining/738724002/\)](https://www.daily-times.com/story/news/local/2018/06/27/federal-agency-solicits-public-comments-future-san-juan-mine-coal-climate-change-mining/738724002/) recommends allowing up to 53 million tons of coal to be removed from the mine. That would allow the mine to supply coal to the power plant for at least another decade should it stay open past 2022.

The Office of Surface Mining, Reclamation and Enforcement released the final EIS on Friday after years of working on it. A record of decision will be issued in April, according to a press release. The document and responses to public comments can be viewed online at [wrcc.osmre.gov](https://www.wrcc.osmre.gov/initiatives/sanJuanMine.shtm). (<https://www.wrcc.osmre.gov/initiatives/sanJuanMine.shtm>)

The final EIS evaluates three alternatives: keeping the mine open until 2033, closing the mine this year and keeping the mine open through 2022 when its coal supply contract with the power plant expires.

BY CHARLES
SCHWAB

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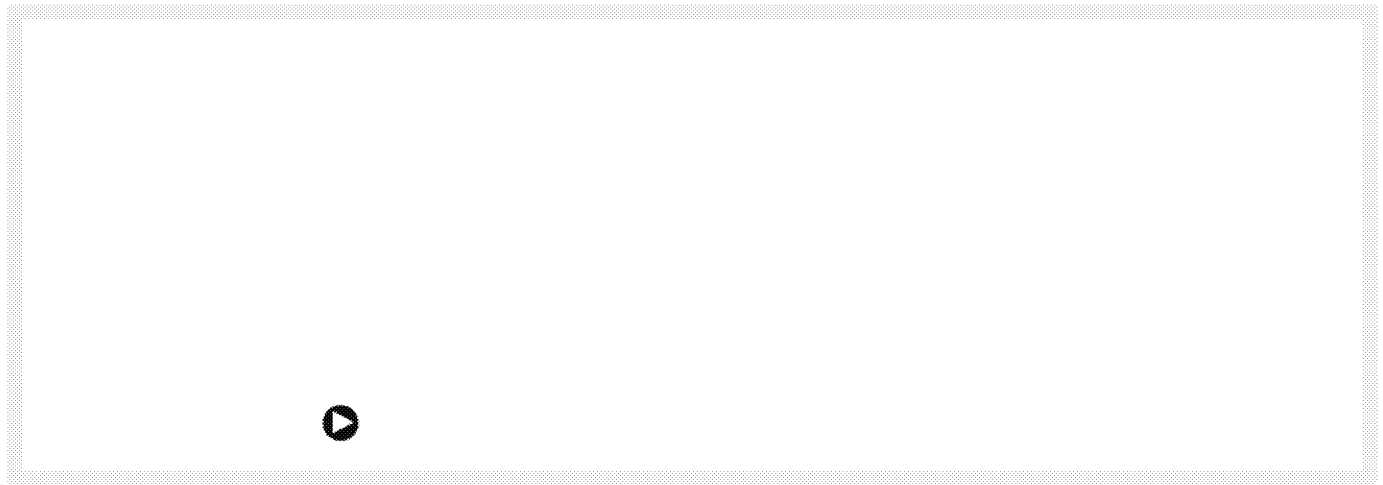
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Keeping the mine open until 2033 would allow Westmoreland Coal Company to continue supplying coal to the power plant or to find a new customer if the power plant closes in 2022.

While most of the power plant's owners plan to stop receiving electricity from it in 2022, the city of Farmington is in the process of acquiring the shares it does not own. It has signed a non-binding letter of intent with Acme Equities LLC for the New York firm to take ownership of the plant and keep it open after 2022. ([/story/news/2019/03/14/feus-study-needed-carbon-capture-questions-san-juan-generating-station/3163953002/](https://www.daily-times.com/story/news/2019/03/14/feus-study-needed-carbon-capture-questions-san-juan-generating-station/3163953002/)) It would need a coal supply contract with San Juan Mine to continue operations at the plant.

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According to the document, mining could legally continue at the San Juan Mine even if the Deep Lease Extension is not approved, however it would result in a lower quality of coal. Without having higher quality coal to blend with the low-quality coal, the operators of the San Juan Generating Station would risk damaging the plant's boilers.

An OSMRE press release states the proposed action in the final environmental impact statement would add 10 to 14 years to the life of the mine. It states the mine supports 526 jobs in the Four Corners region. The mine itself accounted for 282 of those jobs in 2017, according to the EIS.

In addition to supporting more than 500 jobs, the mine provides millions of dollars in tax revenue to federal, state and local governments.

The final EIS states the federal government receives \$24.8 million in revenue from the mine while the state receives \$21.8 million and the local government receives \$150,000 in property tax revenue from the mine.

Hannah Grover covers government for The Daily Times. She can be reached at 505-564-4652 or via email at hgrover@daily-times.com.

Read or Share this story: <https://www.daily-times.com/story/news/2019/03/16/eis-recommends-keeping-san-juan-mine-open-least-another-decade/3178160002/>

Pollutants judged too high at 4 Arkansas waste sites

Utilities disagree with calculations

by *Emily Walkenhorst* | March 17, 2019 at 4:30 a.m.

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3

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Four of Arkansas' five coal-fired electrical plants have coal ash waste sites with levels of various pollutants that are too high, according to a report by an environmental watchdog group.

Environmental Integrity Project analyzed reports from 265 coal-fired power plants that have monitoring data and found that groundwater near 242 of them "contained unsafe levels of one or more of the pollutants in coal ash," said the report, which was released earlier this month.

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"Many of the coal ash waste ponds are poorly and unsafely designed, with less than 5 percent having waterproof liners to prevent contaminants from leaking into the groundwater, and 59 percent built beneath the water table or within five feet of it," the group said in a news release.

Most Arkansans' drinking water comes from surface water sources, although groundwater wells exist in the counties that have coal-fired plants, according to information from the Arkansas Department of Health.

The reports analyzed came from March 2018 groundwater testing data, the first required under the 2015 federal Coal Ash Rule. The group compiled the data into a spreadsheet with Earthjustice, the Sierra Club, Prairie Rivers Network and volunteers. The groups have been vocal opponents of coal-fired power plants and favor renewable energy to replace them.

"I think it [the study] underscores what we've been saying, and that is it's a pretty destructive fuel source," said Glen Hooks, executive director of the Sierra Club's Arkansas chapter.

"We need to get off of coal and look to clean our fuel sources," Hooks added.

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Utilities don't all agree on how the group calculated the pollutant levels. American Electric Power uses a different process that it called "more complex" to determine the safety of nearby groundwater, spokesman Peter Main said. Using that process, the Flint Creek and John W. Turk coal-fired power plants are "not causing levels of any of the substances being monitored to exceed EPA standards," Main wrote in an email to the *Arkansas Democrat-Gazette*.

Chuck Barlow, Entergy vice president of sustainability and environmental policy, said the utility has not done a thorough analysis of the Environmental Integrity Project's methodology, but "we have no indication of any threat to public health."

The utility has done background monitoring and some additional sampling, which is all that has been required under the federal rule. The data used by the Environmental Integrity Project are limited to what utilities have done so far to establish background levels, not subsequent monitoring, Barlow said.

Based on a look at that, Barlow said any pollution that might exist is not shown to be drifting off site and thus is not posing any danger to drinking water or public health.

"We would say that it is premature to say that there are any problems on the site," he said.

The Environmental Integrity Project calculated the mean concentration for each chemical "in each well across all sampling grounds." The group further removed test results collected from wells above where the groundwater flows from the landfill to the lower wells. The group also removed any downward wells where the mean concentration was lower than the highest upper well's mean concentration of that pollutant in that disposal area, according to the methodology explained in the report.

Next, the group compared each result against health-based standards, such as the U.S. Environmental Protection Agency Maximum Contaminant Levels, for 23 substances.

The group found excessive amounts of several chemicals in the groundwater near the coal ash disposal sites. Coal ash ponds at 241 of 256 tested coal-fired plants nationwide -- 91 percent -- had at least one substance that was at an unsafe level.

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The groundwater near the Entergy Arkansas-run White Bluff coal-fired plant near Redfield had the most exceedances. It had excessive lithium, cobalt, molybdenum, beryllium, boron and sulfate, according to the report. The groundwater near the Entergy Arkansas-owned Independence plant near Newark had excessive boron.

The groundwater near the Southwestern Electric Power Co. and Arkansas Electric Cooperatives-owned Flint Creek coal-fired plant near Gentry had arsenic, cobalt and molybdenum levels considered unsafe, the report said.

The groundwater near SWEPCO's John W. Turk coal-fired plant in Fulton had excessive lithium, the report said, while the Plum Point Energy Station in Osceola did not have any excessive chemicals, according to its test results.

Arkansas was not listed among the group's 10 "worst" states with groundwater contamination from coal ash.

Otero County gets briefing on HAFB water issues, drinking water is fine

Nicole Maxwell, Alamogordo Daily News Published 1:17 p.m. MT March 16, 2019

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Otero County resident Colt Howland and Otero County Chamber of Commerce Executive Director G.B. Oliver address the Otero County Commission at their regular meeting March 14. (Photo: Nicole Maxwell/Alamogordo Daily News)

Otero County Commissioner Gerald Matherly wanted to start a discussion about possible water contamination at Holloman Air Force Base, and it happened at the Otero County Commission regular meeting March 14.

"I've asked a few people to come and if they could give us a little talk about what's going on up there at the base right now," Matherly said.

"There are some concerns by local residents about our water situation. The last thing we want is to be on the news like Clovis with the dairy over there right now. It would be very devastating to us, I feel."

Representatives from the New Mexico Environment Department, Alamogordo Chamber of Commerce and a rancher near HAFB spoke about the water contamination issues on base.

"The concern that EPA has and some of the comments they've made is they've come around and tested these wells and we'll start to have the test results on those wells here within another week or so," Oliver said.

"We'll start to see if that has expanded but their tests at Holloman showed that the water table was moving southwest which moves it right towards Colt (Howland) and the Walker Ranch out there and those kinds of things... There's a lot to learn about this and I think we're very fortunate that we're not Clovis."

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The Otero County Commission from left to right Commissioner Lori Bies, Commission Chairman Couy Griffin and Commissioner Gerald Matherly at their regular meeting March 14 (Photo: Nicole Maxwell/Alamogordo Daily News)

Colt Howland told the Commission that that water on his land was not affected.

"What they contaminated was the salt brine reservoir and that's pretty much a stagnant pool of water anyway. It doesn't really mix with the brackish groundwater on either side of it," Howland said.

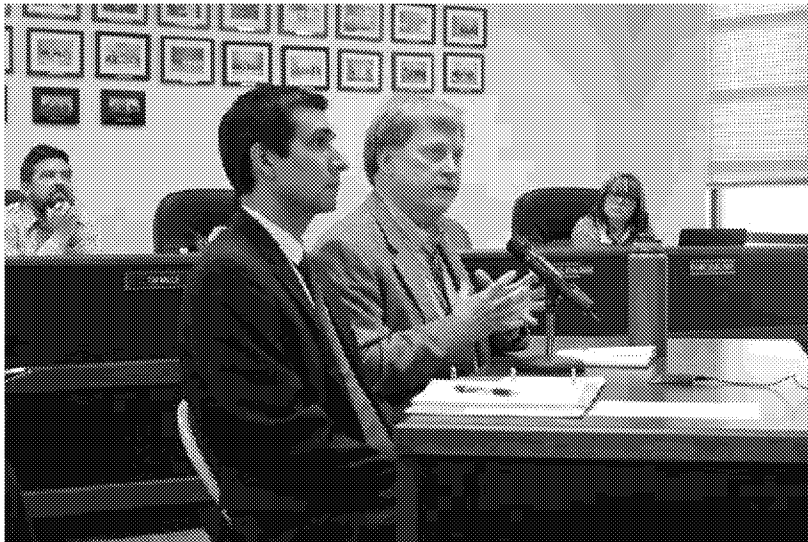
He added that all of his wells that would have been affected by the contamination were capped in the 1950s and 1960s.

"Our wells are actually further south than Holloman and Boles Acres," Howland said, adding that the water from the salt brine basin is not used.

On Feb. 8, representatives from HAFB said that the drinking water on base is not contaminated.

"The water is taken care of. It's not harmful because where we get our water from is 15 miles down from the base: the same place that Alamo (Alamogordo) gets their water," HAFB Spokesman Arian Ponder said on Feb. 8. "The drinking water source is secure... There is no harm to the drinking water on base."

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New Mexico Environment Department Lead Scientist Dennis McQuillan, right, and NMED Assistant Legal Counsel Christopher Atencio at the regular Otero County Commission meeting March 14. (Photo: Nicole Maxwell/Alamogordo Daily News)

Alamogordo water clear of PFAS

Alamogordo Mayor Richard Boss said tests completed on Alamogordo's drinking water sources showed no PFAS.

"A short while back, I was invited to a meeting at Holloman Air Force Base together with others in Alamogordo regarding the PFAS chemical contamination of area groundwater," Boss said. "No areas were near any of Alamogordo's wells or other sources of water."

A report of aqueous film forming foam unsettled Holloman Air Force Base and the surrounding communities the last few months.

These aqueous film forming foams were in the form of perfluorooctanesulfonic acid or PFOS, and perfluorooctanoic acid, or PFOA.

These two perfluorinated compounds (PFC) are the only PFCs which have lifetime health advisory for drinking water, according to a United States Air Force Installation and Mission Support Center Office of Public Affairs.

These PFCs were used in firefighting efforts due to their ability to repel both water and oil.

The chemicals proved especially good at fighting jet fuel fires, Oliver said.

NMED Chief Scientist Dennis McQuillan agreed that PFAS and PFOAs were useful for fighting fires and in other industrial uses.

"In the late 1990s, it was discovered that people in the United States had a body building of PFAS in their blood and this caused some concern," McQuillan said. "There was some evidence at that time that there were health issues related to this and so, 3M voluntarily began to phase out the production of two of the largest, highest-volume chemicals: PFOA and PFAS. Since then, the blood concentrations have decreased since 2000, when the phase-out began. But they're still out there."

There are more than 3,000 chemical compounds in the PFC chemical category, McQuillan said.

Due to the long-term use of these chemicals, they have found their way into the food chain and people in the Arctic have PFAS in their blood from the fish they consume, McQuillan said.

Everybody has some detectable amount of PFAS in their blood, McQuillan said.

Since the phase-out, 3M has been using alternatives to the PFAS/PFOAs that have fewer carbon atoms in them but are still as effective at fighting fires.

"We have similar questions about these and what they do to human health," McQuillan said. "But these have also been used in fabric and cookware and so on."

These chemicals have been used in non-stick cookware, food packaging, waterproof clothing, paints, fabric stain protectors and more. It was also used at civilian airports across the country, Oliver said.

The site report was completed in November 2018 and began getting media attention in February after the NMED put out a press release stating that they had filed a notice of violation about toxic pollutants being found in groundwater on base.

The November site inspection report looked at five aqueous film forming foam release areas on HAFB.

These areas were the former fire training area, sewage lagoon area outfall, Apache Mesa Golf Course outfall, Lake Holloman outfalls and Evaporation Pond Number 2.

These locations were all places where the aqueous film forming foams were used, HAFB Spokesman Arlan Ponder said.

AG gets involved

On March 5, New Mexico Attorney General Hector Balderas and the New Mexico Environment Department filed a complaint against the United States Department of the Air Force.

Alamogordo Chamber of Commerce Executive Director G.B. Oliver said that prior to the lawsuit, the base was very open with him and others.

"We found Holloman Air Force Base to be absolutely completely open about all of this and what they knew," Oliver said.

HAFB held meetings with the City of Alamogordo, the Chamber of Commerce and others to discuss the issues with the chemical and the base wanted to get into contact with their neighbors, so they could be made aware of the situation and test the wells that they are using, Oliver said.

"They were very up-front but the minute this litigation came into the picture, of course, it shut all of that communication down," Oliver said. "Until the litigation was filed, the communication and cooperation with Holloman Air Force Base just could not have been better."

Oliver added that he met with HAFB on March 13, and was told that as the base tests its wells, the results of those tests will be made public.

Both HAFB and the City of Alamogordo have tested their water and the results showed that the chemicals were not present, Oliver said.

"I find it interesting that that issue has not been brought forward anywhere," Oliver said.

HAFB began using the chemicals in 1970. The maker of these chemicals, 3M started phasing out their usage in 2000.

A representative from the state Attorney General's Office was there as well but she did not speak at the meeting.


HAFB was also not at the meeting since the lawsuit was filed. They have ceased offering comment.

There will be a Town Hall at the Community Activity Center on HAFB at 6 p.m. on March 20 where the PFAS/PFOA contamination among other things will be discussed. For those unable to attend, the event will be livestreamed on the HAFB Facebook page at [Holloman AFB - 49th Wing](#).

Dump contracts in review stages

Proposals aim at dousing fire

by *Doug Thompson* | March 16, 2019 at 2:58 a.m.

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NWA Democrat-Gazette/CHARLIE KAIJO The Stump Dump fire is shown, Friday, March 15, 2019 in Bella Vista.

Contracts to expand efforts to extinguish an underground landfill fire in Bella Vista are in the early stages of review, according to the state Department of Environmental Quality.

The department's confirmation Thursday came three days after approval for the state to front up to \$20 million for the work. Details of the financing haven't been worked out, the governor's office said Thursday. EnSafe is the Memphis-based company hired to help put out the fire.

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Contract proposals for construction of an access road to the site and a small dam to retain water are being negotiated, said Donally Davis, communications director for the Department of Environmental Quality. Proposed construction contracts with state agencies require review by the Division of Building Authority at the state Department of Finance and Administration, she said.

Documents related to those contracts are turned in to the building authority for review, but the final contracts are still being negotiated by the Environmental Quality Department, Finance Department spokesman Scott Hardin said. Once the final contracts for the road and the dam are received, the final review "will take no more than one to two days," Hardin said.

Site preparation started before the latest contracts were submitted, according to previous statements by the agency. That work includes clearing trees and other vegetation to create a staging area around the site and building a support system to facilitate fire control and fire response, the department said.

Assuming the division approves the contracts, the construction schedule will still depend on the weather, Davis said.

"Weather permitting, construction for the access road and dam is estimated to take three to four weeks," she said. "ADEQ is working to finalize a scope of work to extinguish the fire and excavate waste."

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Gov. Asa Hutchinson signed Act 345 on Monday afternoon, three working days after passage in the Legislature. The measure authorizes the state to tap reserve money to start work on extinguishing the

blaze while the state continues to seek federal taxpayer dollars and other, permanent sources to pay for the work.

Firefighters discovered the underground fire at a stump dump on Trafalgar Road on July 29. The dump is still burning.

Residents near the fire were urged in December to avoid prolonged or heavy exertion outdoors after an unhealthy air quality reading in the area. The state continues to caution people living within a half-mile radius of the blaze, although recent testing has shown air quality results in the "good" range.

Act 345 obligates Department of Environmental Quality to pay the money back to the two reserve funds named in the bill. The two funds involved are the state's Budget Stabilization Trust Fund and the state's Hazardous Substance Remedial Action Trust Fund.

The cost to put out the fire and clean up the site could be between \$21 million and \$39 million, according to state estimates.

"The act is designed to be flexible," said J.R. Davis, spokesman for the governor's office. It allows either state reserve money to go to the project or federal taxpayer money if and when that becomes available. Any federal money that comes in after reserve money is spent can ultimately go to replenish state reserve money, he said.

"The idea is to make sure there are options so nothing slows down the process," Davis said.

The financing arrangements also will accommodate repayment to the state if litigation to recoup the costs succeeds, the governor's spokesman said. The state expects to recoup money spent putting out the fire from past owners and operators of the landfill, he said.

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The total forwarded from the state's reserve cannot exceed \$20 million, and the money is to be repaid no later than June 20, 2023, according to Act 345.

The budget stabilization fund was created in 2015 at Hutchinson's request for a fund that can make loans to state departments as needed. The remedial fund is a similar reserve set up specifically for the Department of Environmental Quality for emergencies involving pollutants.

The finances in the bill are structured as a loan because of how the funds are set up and to allow work to begin this fiscal year, according to a spokesman for the governor's office and the bill's chief sponsor, Sen. Jim Hendren, R-Gravette.

Officials with the Department of Environmental Quality and EnSafe are monitoring the situation in Bella Vista. The National Guard and state Health Department are also keeping track of air quality in the area. No serious problems with air quality in residential areas near the landfill were reported Thursday, a health department spokesman said.

Tom Judson, the Property Owners Association's chief operating officer, said the association operated the dump for wood and yard waste on leased land from December 2003 to 2016, after which the site was covered with soil.

How climate hogged the CERAWeek spotlight

Edward Klump and Mike Lee, E&E News reporters

Published: Monday, March 18, 2019



Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) and ranking member Joe Manchin (D-W.Va.) speaking at CERAWeek by IHS Markit after publishing a joint op-ed about climate change. @CERAWeek/Twitter

HOUSTON — One of the world's most prominent oil and gas conferences took on a new and rare note of climate urgency last week — a departure from the days of worrying about the dizzying ups and downs of production.

Although it was CERAWeek by IHS Markit, it often sounded more like climate week.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) and ranking member Joe Manchin (D-W.Va.) appeared onstage together Monday to call for bipartisan solutions to lower emissions. Two days later, Energy Secretary Rick Perry signaled a willingness to engage with supporters of the Green New Deal.

Perhaps most significant was talk of climate-related action by oil and gas executives. BP PLC and Royal Dutch Shell PLC endorsed federal regulation of methane emissions from energy production.

Power companies also were here discussing potential growth for renewables and batteries, while Ford Motor Co. mentioned its work to electrify the F-150 pickup truck ([Energywire](#), March 13).

And Fatih Birol, executive director of the International Energy Agency, told reporters the oil industry must do more to reduce its carbon footprint.

There wasn't widespread endorsement of the sprawling Green New Deal climate framework being debated in Congress or a move away from all fossil fuels. But there was a current pushing companies and policymakers in the world of oil, natural gas and power generation to consider ways to address carbon dioxide emissions and a changing climate, from carbon capture to electric vehicles. Some of that was driven by U.S. lawmakers weighing legislative options and companies increasingly aware of shareholders and regulators pushing on the climate issue.

"While at #CERAWeek, a topic that frequently came up in conversation is addressing climate change w/ future energy policy," Murkowski tweeted Friday. "Climate change is real & we must take reasonable & practicable action to address it. The best way to address it is through major technological breakthroughs."

Last week marked the 38th edition of CERAWeek, whose name is derived from the former Cambridge Energy Research Associates. Daniel Yergin, vice chairman of IHS Markit, served as the main conference host.

The event had record attendance this year with more than 5,300 attendees, including over 800 speakers. That doesn't count the more than 280 registered media members for the conference, which calls itself "The World's Premier Energy Event."

'It reflects the times'

CERAWeek has long been associated with big names in oil and gas, from industry CEOs to global dignitaries. While green themes have come up before, this year's conference included an unprecedented focus on climate issues that could change the way energy companies do business.

A Monday panel was called "Climate Strategies in a World of Rivalry." And the conference website used a climate lens to describe a Thursday session on electrifying transportation.

"Shifting transportation from oil to electricity is critical for curbing climate change," a CERAWeek website blurb said. "What scope and scale are needed to meet climate objectives?"

On Friday, as the conference was wrapping up, Yergin told E&E News he didn't see CERAWeek as "climate week." But he agreed that climate was a theme that ran through the entire event.

"It reflects the times and what people are thinking about," Yergin said. "And you see a change from one year to [the] next, and that change was very evident."

Fred Krupp, president of the Environmental Defense Fund, noted changing positions by BP and Shell on methane emissions. EDF also said in a blog post last week that it and Exxon Mobil Corp. were working to reduce methane emissions.

"We're definitely hearing more constructive words," Krupp told E&E News last week. "Will we see more constructive action?"

Joseph Goffman, executive director of the Harvard Law School Environmental & Energy Law Program, said on Twitter last week that pro-methane regulation statements from BP and Shell were "performance art for shareholders and antsy investors." Goffman said BP CEO Bob Dudley stated support for methane regulation while he can count on the Trump administration's EPA "to do nothing."

The Green New Deal was criticized and questioned during the conference even as it saw some recognition for stirring conversation. Some speakers wanted more details of the plan, while others lamented the potential for a heavy-handed government approach.

EPA Administrator Andrew Wheeler said the idea of dismantling U.S. fossil fuel production would be not only "dangerous for the economy and national security" but also "devastating for public health, both here and abroad" ([*E&E News PM*](#), March 11). Ernest Moniz, a former Energy secretary under President Obama, called for pragmatism.

'Innovation and experimentation'

Sen. John Cornyn (R-Texas) said the Green New Deal is, in some ways, a proposed solution in search of a problem. He said Senate Majority Leader Mitch McConnell (R-Ky.) planned a vote to see how serious proponents are about it.

Cornyn sided with the idea of using technology to tackle climate issues.

"To me, innovation and experimentation are the sorts of things that have allowed us to discover great things that have benefited humankind," Cornyn told reporters Friday.

Mike Sommers, CEO of the American Petroleum Institute, defended the oil and gas industry's environmental record and described its work to help the human condition. He said the sector continually has to provide solutions for future energy needs and climate issues.

"Our position on this is that we'll evaluate any climate change proposal or any carbon tax proposal that comes before the Congress," Sommers said last week. "At this time, there's no real proposal before the Congress."

Bjørn Otto Sverdrup, senior vice president for sustainability at Equinor ASA, said the industry has "tremendous potential" to clean up its own houses and give it time to work on alternatives to fossil fuels. Last year, the Norwegian company changed its name from Statoil ASA to help emphasize a broader energy focus.

In the electricity sector, Michigan-based CMS Energy Corp. was among the companies at CERAWeek discussing plans to slash carbon emissions.

Perry, the U.S. Energy secretary, highlighted the emissions benefits of nuclear power generation, which he also views as important for a reliable and resilient grid.

"I don't know how anybody who cares about the climate can't be for nuclear energy," Perry told reporters Wednesday.

On Thursday, CEO Curt Morgan of Vistra Energy Corp. said he thinks renewables will become a bigger part of the generation base, noting the attractiveness of solar and other sources.

Vistra gained attention in 2017 when it announced plans to take a number of coal-fueled generating units off the main Texas grid in 2018. Morgan said coal plants will continue to retire as they age.

"I do believe that coal is on its way out — not because I don't like coal," he said, adding, "I love coal power plants, but the economics just don't work."

East Lubbock Community Alliance begins testing air quality affected by industrial zoning

East Lubbock Alliance testing air quality

By **Kase Wilbanks** | March 15, 2019 at 5:53 PM CDT - Updated March 15 at 7:30 PM

LUBBOCK, TX (KCBD) - The East Lubbock Community Alliance is in the process of powering up the first of several air quality monitors set to see if industrial zoning concentrated in North and East Lubbock has any negative impact on residents.

"We just want to get the facts on if that's causing health effects," ELCA Facilitator AJ McCleod said. "Is it bad air quality or is it any different than any other part of the city of Lubbock?"

McCleod tells KCBD the quest for data began after the PlanLubbock 2040 Comprehensive Planshowed future land use with more industrial zones in the same parts of town.

"It has been kind of exactly the same even through desegregation and even through way back in the day when minorities were placed specifically in certain areas and then that industry was put around them," McCleod said. "We want to see if those effects are still happening right now."

The first of several Purple Air Monitors was installed at the Carver Early Learning Center on March 9 to track particulate matter after concerns were shared about cotton particles cleaned frequently

from the center's air vents. McCleod said Texas Tech Environmental Toxicology researchers will help place others throughout Lubbock to gather a balanced dataset.



East Lubbock Community Alliance installs Purple Air Monitor at Carver Early Learning Center (Source: KCBD)

"We're also taking surveys in the community to see if they see any effects," McCleod said. "We just want to get the information correctly. We don't want it to be biased or anybody saying this is something we have in our head. We want it to be the facts. We don't want it to be he said, she said, but based on the numbers and the facts of what's happening. That way in the future we can make change and we can make progress."

Other chemical monitors are also set to be used in this research. The Alliance is working to gather EPA grants to help fund the initiative, which has been started by an anonymous community donor.

The EPA shows 16 sites in Lubbock that are part of its Toxics Release Inventory. The latest inventory shows that most chemicals from those sites are released into the air and contain mostly n-Hexane. According to the CDC, it could be harmful, especially to the nervous system.

City leaders, upon approval of PlanLubbock 2040, told concerned North and East Lubbock residents that the plan would address the health and safety of citizens around industrial sites. They said the plan would also evolve as needed.

“I hope they do something to say that they care about all citizens and not just a particular part or people who live in a certain area or don’t live in a certain area,” McCleod said. “That’s the real effect that I hope we have in the future.”

The ELCA is working to get the Purple Air Monitor online. To track it, [click here](#).

Students globally protest warming, pleading for their future

Published: Monday, March 18, 2019

Students across a warming globe pleaded for their lives, future and planet Friday, demanding tough action on climate change.

From the South Pacific to the edge of the Arctic Circle, angry students in more than 100 countries walked out of classes to protest what they see as the failures by their governments.

Well more than 150,000 students and adults who were mobilized by word of mouth and social media protested in Europe, according to police estimates. But the initial turnout in the United States did not look quite as high.

"Borders, languages and religions do not separate us," 8-year-old Havana Chapman-Edwards, who calls herself the tiny diplomat, told hundreds of protesters at the U.S. Capitol. "Today we are telling the truth, and we do not take no for an answer."

Thousands of New York City students protested at locations including Columbus Circle, City Hall, the American Museum of Natural History and a football field at the Bronx High School of Science. Police said 16 protesters were arrested on disorderly conduct charges for blocking traffic at the museum.

The coordinated "school strikes" were inspired by 16-year-old Swedish activist Greta Thunberg, who began holding solitary demonstrations outside the Swedish parliament last year.

Since then, the weekly protests have snowballed from a handful of cities to hundreds, fueled by dramatic headlines about the impact of climate change during the students' lifetime. Unless emissions of heat-trapping gases start dropping dramatically, scientists estimate that the protesters will be in their 40s and 50s, maybe even 30s, when the world will reach dangerous levels of warming that international agreements are trying to prevent.

Thunberg, who has been nominated for the Nobel Peace Prize, said at a rally in Stockholm that the world faces an "existential crisis, the biggest crisis humanity ever has faced and still it has been ignored for decades."

Alexandria Villasenor, a 13-year-old co-coordinator of the New York City protest that culminated in a die-in at the steps of the American Museum of Natural History, said while she was pleased with the number of demonstrators, a big turnout isn't the point.

"It won't be successful until the world leaders take some action," Villasenor said.

Dana Fisher, a University of Maryland sociology professor who tracks protest movements and environmental activists, said action could possibly be triggered by "the fact that we're seeing children, some of whom are quite small, talking about the Earth they're going to inherit."

Other protests in the U.S. on Friday:

- In Washington, protesters spoke in front of a banner saying "We don't want to die."
- In San Francisco, 1,000 demonstrators descended on the local offices of Sen. Dianne Feinstein and House Speaker Nancy Pelosi, wanting passage of the massive Green New Deal bill proposed in the U.S. Congress.
- In St. Paul, Minn., about 1,000 students gathered before the state Capitol, chanting, "Stop denying the Earth is dying."
- Hundreds of students took to the streets of downtown Los Angeles chanting, "What do we want? Science! When do we want it? After peer review."

Some politicians praised the students.

U.N. Secretary General António Guterres said he was inspired by the student climate strikers to call a special summit in September to deal with what he called "the climate emergency."

"My generation has failed to respond properly to the dramatic challenge of climate change," Guterres wrote in an opinion piece in *The Guardian*. "This is deeply felt by young people. No wonder they are angry." — *Frank Jordans and Seth Borenstein, Associated Press*

Owners seek second hog farm permit

by Emily Walkenhorst | March 17, 2019 at 1:00 a.m.

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Co-owners of a Newton County hog farm have resubmitted their application to build a hog farm in Franklin County.

Philip Campbell and Jason Henson, who co-own C&H Hog Farms with Richard Campbell, withdrew the application late last year after the Arkansas Department of Environmental Quality asked for more information, saying they needed more time. They stated that they would resubmit the application, which they did on Feb. 21.

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The farm, which would be called Coon Tree Farm after the road its located on near Denning, would have up to 10,374 hogs: 1,248 gilts of an average weight of 150 pounds; 4,728 gestation sows of an average 425 pounds, 840 lactating sows of an average 400 pounds; 576 nursery pigs of an average 30 pounds, 2,400 hot nursery pigs of an average 12 pounds, 576 gilt development pigs of an average 325 pounds and six boars of an average 450 pounds.

It would have two pits for hog manure with a storage capacity of a year, and manure would be land applied as fertilizer.

The barns and pits would be built up several feet to remove them from the flood hazard zone they are located in, according to the application.

The application is for a permit under Regulation 5, which, if approved, would be permanent.

The proposal has faced local opposition from residents, business owners and politicians, including state Rep. Sarah Capp, R-Ozark, concerned about nearby waters and the possible smell.

EPA bans consumer use of deadly paint stripper; in rare step

by ELLEN KNICKMEYER Associated Press
Saturday, March 16th 2019

AA



(MGN)

WASHINGTON (AP) — The Environmental Protection Agency on Friday banned consumer use of a popular but deadly paint stripper but stopped short of also banning commercial use of the product by tradespeople.

EPA Administrator Andrew Wheeler signed the rule, which will bar manufacture and import of the stripper methylene chloride for consumer use, in a private meeting Friday with relatives of a man who died while using the paint stripper.

The EPA cited "the acute fatalities that have resulted from exposure to the chemical" and an "unreasonable" risk to consumers. Retail stores have until later this year to remove the product from sale. Many big chains already stopped sale

of products with methylene chloride in recent months, amid a campaign led by environmental groups and families of men overcome and killed by fumes from the paint stripper.

Goopy, strong-smelling products containing methylene chloride have been a go-to product for do-it-yourselfers for decades. But fumes from the product can affect the central nervous system, sometimes causing dizziness, disorientation and death. The state of California says it has tracked at least five U.S. deaths from methylene chloride since 2014.

The dead include a 21-year-old worker, Kevin Hartley, who had had training in use of the product, and Drew Wynne, a 31-year-old South Carolina man who was cleaning the floor of his start-up coffee company. Both died in 2017.

Hartley's and Wynne's families had been among those pressing for the ban, which had been initiated by the Obama administration but then stalled by the Trump administration.

Relatives of the dead men met last year with then-EPA chief Scott Pruitt and with lawmakers, pressing for prohibition of methylene chloride.

The EPA declined Friday to immediately extend the ban to commercial uses of the paint stripper. Instead, it said it would consider whether to mandate training in use of methylene chloride, or go on to ban commercial use of the solvent as well.

"I think that it's sad," said Yanira Merino, national president of the Labor Council for Latin American Advancement, which had pushed for the EPA to extend the ban to commercial use as well.

Latino and Hispanic workers in general are among those most vulnerable to the solvent, often lacking access to safety training and to safety directions in a language they can understand, Merino said.

"It's a sad time when you don't take into account the health of the people who work in a very important industry," Merino said.

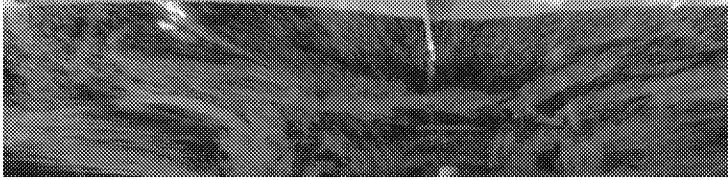
Another of the men killed while using the solvent, also in 2017, was an El Salvador laborer who spoke only limited English, his family told California authorities.

The Trump administration "will be partly to blame when the next worker is injured or dies as a result of being exposed to this extremely dangerous chemical," attorney Melanie Benesh of the Environmental Working Group said.

The EPA was "catering to the wishes of the chemical industry," Benesh said.

The EPA under the Trump administration has been among the most active agencies in carrying out President Donald Trump's mission of rolling back regulations it sees as burdensome to business. The Trump administration especially targeted environmental protections associated with the Obama administration, repealing or weakening some Obama-era measures meant to slow climate change and lessen air and water pollution.

Before Friday, environmental groups could point to just one other significant instance of the Trump EPA tightening, rather than loosening, environmental or public health protections — a measure that could tighten nitrous oxide standards for heavy-duty truck engines, Anne Hawke of the Natural Resources Defense Council said.



https://www.theadvocate.com/baton_rouge/news/article_97a4f2a0-361e-11e9-83f5-b75989197aee.html

Ask The Advocate: City-parish drainage director discusses projects in the pipeline

MAR 17, 2019 - 2:27 PM



Boats make their way up a flooded O'Neal Lane just north of Interstate 12 during severe flooding in East Baton Rouge Parish on Sunday August 14, 2016.

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Advocate file photo by BILL FEIG

The City of Central has stated that since the 2016 flood it has cleaned or removed debris from an estimated linear footage of drainage channels at 248,420 feet, or 47 miles. The Advocate has reported that Livingston Parish is receiving \$50 million from the federal government to clear 300 miles of waterways. What type and kind of drainage work has East Baton Rouge Parish completed since the 2016 flood?

Fred Raiford, director of the East Baton Rouge Department of Transportation and Drainage, says the city-parish has been moving forward with many drainage projects.

"First of all, the city has submitted for federal funds through National Resources Conservation Service to address a major slope failure on many channels throughout the parish. We did receive approval for the work on Weiner Creek, which drains parts of the South Sherwood Forest and Coursey Boulevard areas. Work was completed and the ditch is functioning properly. Also, the channel that drains to Jones Creek was improved. We received about \$400,000 to do repairs.

"East Baton Rouge Parish has also submitted for \$200 million in federal funds to address many of the channels and bridge crossings in our parish to help remove old crossings and improve channel sections on many of our major drainage channels. Some are Bayou Fountain, Ward's Creek, Dawson Creek, Jones Creek for channel improvement in particular locations. Most of these are for removing restrictions within the channel. We do feel that some of these will be approved.

"Our top priority is to advance our Storm Water Master Plan more quickly. While the city-parish has provided about \$1.5 million to the plan, we are seeking the remaining from federal dollars. We still need about \$10 million to complete the plan and not have to use local funding. We are waiting on the state GOHSEP (Governor's Office of Homeland Security and

Emergency Preparedness) and FEMA (Federal Emergency Management Agency) approval of the projects in the next few months.

"Also, East Baton Rouge Parish is working with the state Department of Transportation and Development, the Amite River Basin Commission, and the Army Corps of Engineers for construction of the Comite River Diversion Canal. This is major drainage improvement for EBR Parish and Livingston Parish which cost about \$360 million. This is 100 percent federally funded which when completed will enhance the drainage for the northern part of the parish and additional drainage benefits will be received for thousands of people along the Comite and Amite rivers.

"The second major improvement to drainage is the Corps of Engineers enhancement of the five drainage channels that drain three-quarters of this parish: clearing and snagging of debris and some channel enlargements of the Bayou Fountain, Wards Creek, Jones Creek, Beaver Bayou and Blackwater Bayou for a total of \$255 million. These are currently under design and clearing of some of the channels will begin in June 2019.

"While East Baton Rouge Parish will have over \$700 million committed to these improvements, we are also making sure that the improvements proposed in our parish do not create a problem to our downstream parishes."

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Water and sewer project may cost 3 times estimate

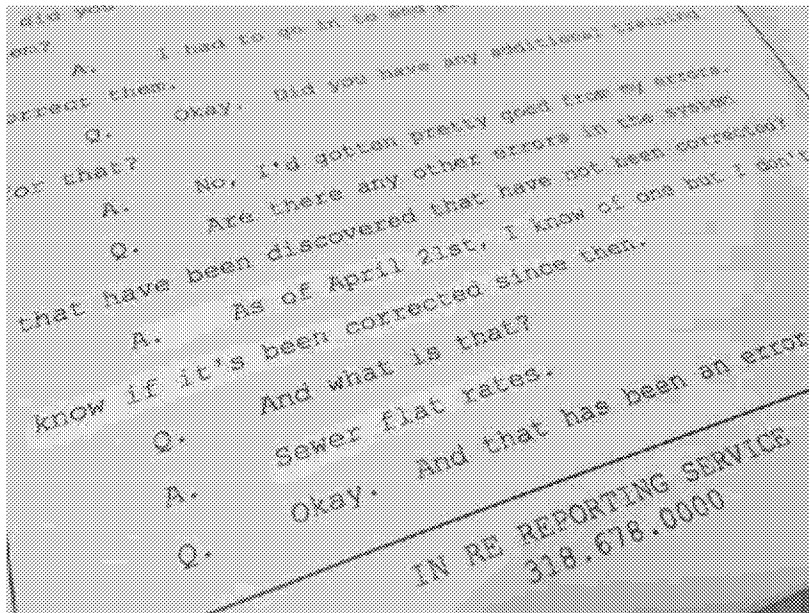
Sara Macmill, Shreveport Times Published 9:50 a.m. CT March 15, 2019 | Updated 7:09 a.m. CT March 18, 2019

The original 2014 estimate on a federally-mandated water and sewer project was off by hundreds of millions of dollars, according to the Director of the Water and Sewer Department.

In 2014, an estimate for what the city engineer called the "largest capital improvement project the city has ever undertaken," was \$350 million. Director of the Water and Sewage Department, Barbara Featherston, said that estimate has tripled reaching the \$1 billion mark.

In 2009, the Environmental Protection Agency reported Shreveport to the Department of Justice for multiple sewer overflows. The DOJ then filed civil action against the city on behalf of the EPA and the State of Louisiana. The city negotiated an agreement with the DOJ that required improvement, maintenance and evaluation of the water and sewer system to comply with the Clean Water Act and be completed by 2026.

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A water and sewer department employee said she knew about the flat rate error in 2016. (Photo: Lex Talamo/The Times)

The federally-required water and sewer project is funded by revenue bonds and low-interest loans from the state. The city also scheduled increases for water and sewer rates that Featherston said should not change with the new estimate. Four million feet of pipe have been tested and visually inspected as part of the agreement.

"We are evaluating every pipe in the City of Shreveport, whether it was laid one hundred years ago, or last week," Featherston said Tuesday at a City Council meeting. "When you take that close of peak at your system, you're going to find everything, and that's what we're finding."

Featherston said much of the water and sewer infrastructure was built before 1960 and the building material used was concrete or clay. Concrete deteriorates and clay isn't used anymore, she said.

"People don't have that concept because it's buried and it's not thought about until it's a problem. It's impressive some of the things you see and don't see lurking under our streets, and it's extensive," Featherston said.

Tuesday, council members questioned Featherston about the immensely underestimated cost. She said the new estimate reflects the actual cost of improving the condition of the water and sewer system after an eight-year evaluation. She said, the original \$350 million estimate was made based on the financial market at the time and limited information.

"There's nothing anybody in this room can do about the fact that we've neglected our infrastructure for generations. We have to deal with the situation as it is," Council member John Nickelsen said. "But, to the fullest extent possible, I would like to have as much information as you have about the projected cost of the work so we can make the best decision we can for the city."

New drainage pump station under construction near Jean Lafitte

Updated Mar 16, 2019;
Posted Mar 16, 2019

Flood
mitigation
for Jean
Lafitte
area

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By Drew Broach, NOLA.com | The Times-Picayune

Jefferson Parish officials broke ground this week on a \$3.2 million drainage pumping station to mitigate flooding in the Jean Lafitte area. Goose Bayou Station No. 2 is being built along Central Avenue in lower Lafitte with two electric pumps, each with the capacity to move water into The Pen at a rate of 35 cubic feet per second, and a diesel backup generator.

Construction is expected to take a year. APTIM Environmental & Infrastructure Inc. designed the project, and the builder is Shaver-Whittle Construction LLC.

The exiting 70 cfs Goose Bayou Station No. 1 is to the north on Decamp Street.

Bill would extend permits for infrastructure

Courtney Columbus, E&E News reporter

Published: Friday, March 15, 2019



Rep. John Garamendi (D-Calif.) introduced legislation yesterday to extend pollution permits for water projects. Staff Sgt. Bennie Davis/Air Force

Legislation from California Democratic Rep. John Garamendi would extend pollution permits with the goal of helping local water infrastructure projects.

H.R. 1764 would amend the Federal Water Pollution Control Act to let regulators issue National Pollutant Discharge Elimination System permits to states or municipalities for up to 10 years, an increase from the current limit of five years.

"Every American deserves clean water. Our bill upholds Clean Water Act protections and ensures federal permitting requirements accurately reflect the time it takes to construct a public water project," Garamendi said in a statement.

"This bill supports upgrades on aging water treatment plants to ensure projects are built on time and on budget," he said.

California Republican Rep. Ken Calvert and Georgia Republican Rep. Rob Woodall are co-sponsoring the legislation.

As part of an infrastructure plan released last year, the White House proposed tripling the allowable length of NPDES permits from five years to 15 years ([*Climatewire*](#), March 2, 2018).

Recent Federal Developments March 16, 2019 EPA / FDA / TSCA / FIFRA / TRI

Article By:

Lynn L. Bergeson

Recent Federal Developments covering: **TSCA, FIFRA, TRI, RCRA, CERCLA, CWA, CAA, PHMSA, FDA, nanotechnology, biobased and renewable products and miscellaneous legislative updates.**

TSCA/FIFRA/TRI

Ninth Circuit Grants Petition For En Banc Panel Rehearing In Chlorpyrifos Case: On February 6, 2019, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) issued an order granting EPA and Acting EPA Administrator Andrew Wheeler's (collectively EPA or Respondents) September 24, 2018, petition for an *en banc* rehearing concerning the Ninth Circuit's August 9, 2018, decision that vacated an EPA order maintaining chlorpyrifos registrations and remanded the case to EPA with directions to revoke all tolerances and cancel all registrations for chlorpyrifos within 60 days. The Ninth Circuit's order granting the Respondent's petition that the case be reheard *en banc* does not provide an explanation for its decision. The Ninth Circuit evidently found the arguments offered by Respondents and other interested parties that filed *amicus curiae* briefs more persuasive than Petitioners' brief (including the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC), who argued against submission of certain *amicus curiae* briefs and also that, with limited exception, Respondent's petition for rehearing lacked merit and should be denied. The *en banc* oral argument will be held **March 26, 2019, at 2:30 p.m. (PST)**.

EPA Releases Updated TSCA Inventory: On February 19, 2019, the U.S. Environmental Protection Agency (EPA) released an update of the Toxic Substances Control Act (TSCA) Chemical Inventory (TSCA Inventory), which lists chemicals that are "active" versus "inactive" in commerce in the U.S. EPA's [News Release](#) states that a "key result of the update is that less than half of the total number of chemicals on the current TSCA Inventory (47 percent or 40,655 of the 86,228 chemicals) are currently in commerce." According to EPA, more than 80 percent (32,898) of the chemicals in commerce have identities that are not Confidential Business Information (CBI), increasing public access to additional information about them. For the less than 20 percent of the chemicals in commerce that have confidential identities, EPA is developing a rule outlining how it will review and substantiate all CBI claims seeking to protect the specific chemical identities of substances on the confidential portion of the TSCA Inventory. More information is available in our [February 21, 2019, memorandum](#).

GAO Reviews EPA's IRIS Assessment Efforts And Implementation Of TSCA Reforms: On March 4, 2019, the U.S. Government Accountability Office (GAO) published a report titled [Chemical Assessments: Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act](#). The report describes the extent to which EPA's Integrated Risk Information System (IRIS) Program has addressed identified challenges and made progress toward producing chemical assessments; and assesses whether EPA has demonstrated progress implementing TSCA. GAO reviewed documents from the National Academy of Sciences (NAS) and EPA and interviewed EPA officials and representatives from two environmental and two industry stakeholder organizations. GAO found that while EPA made improvements in the IRIS Program, between June and December 2018, EPA leadership directed the Program to stop the assessment process during discussions about program priorities. GAO states that while EPA has

responded to initial statutory deadlines in TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), challenges remain. More information is available in our [March 6, 2019, memorandum](#).

EPA's Process For Assessing And Controlling Toxic Chemicals Remains On GAO's High-Risk List: GAO released on March 6, 2019, a report entitled [*High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*](#). GAO's high-risk program identifies government operations with vulnerabilities to fraud, waste, abuse, and mismanagement, or in need of transformation to address economy, efficiency, or effectiveness challenges. GAO's report describes the status of high-risk areas and outlines actions necessary to assure further progress. GAO states that in the two years since its last high-risk report, three areas, including "Transforming EPA's Process for Assessing and Controlling Toxic Chemicals," have regressed in their ratings against GAO's criteria for removal from the High-Risk List. GAO notes that since adding this area to its High-Risk List in 2009, it has made 12 recommendations to EPA related to the IRIS Program and TSCA. According to GAO, while EPA has taken steps to manage chemicals that pose risks to human health and the environment, leadership and implementation challenges remain. More information is available in our [March 8, 2019, memorandum](#).

EPA Issues Final Rule Banning Consumer Use of Methylene Chloride, Issues ANPRM Soliciting Comments on Commercial Use of Methylene Chloride: On March 15, 2019, EPA Administrator Wheeler signed a [final rule](#) prohibiting the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer paint and coating removal, including distribution to and by retailers; requiring manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride for any use to provide downstream notification of these prohibitions; and requiring recordkeeping. The rule states that EPA has determined that "the use of methylene chloride in consumer paint and coating removal presents an unreasonable risk of injury to health due to acute human lethality." This final rule does not prohibit the use of methylene chloride in commercial paint and coating removal, however. EPA is instead soliciting comment, [through an advance notice of proposed rulemaking \(ANPRM\)](#) also signed by Administrator Wheeler on March 15, 2019, on questions related to a potential training, certification, and limited access program as an option for risk management for all of the commercial uses of methylene chloride in paint and coating removal.

RCRA/CERCLA/CWA/CAA/PHMSA

EPA Releases Responses From 2018 CWA Hazardous Substances Survey: On February 19, 2019, EPA released the responses from its 2018 Clean Water Act (CWA) Hazardous Substances Survey. 84 Fed. Reg. 4741. The survey responses are available under [Docket ID: EPA-HQ-OLEM-2017-0444](#).

CDC/ATSDR Announce Sites For PFAS Assessments: On February 21, 2019, the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announced that they have identified communities to be a part of assessments to examine human exposure to per and polyfluoroalkyl substances (PFAS). The communities are near current or former military installations. CDC/ATSDR expect the assessments to begin in 2019 and continue through 2020. The assessments will lay the groundwork for CDC/ATSDR's future multi-site health study that will look at the relationship between PFAS exposure and health outcomes. The locations are: Berkeley County, West Virginia, near Shepherd Field Air National Guard Base; El Paso County, Colorado, near Peterson Air Force Base; Fairbanks North Star Borough, Alaska, near Eielson Air Force Base; Hampden County, Massachusetts, near Barnes Air National Guard Base; Lubbock County, Texas, near Reese Technology Center; Orange County, New York, near Stewart Air National Guard Base; New Castle County, Delaware, near New Castle Air National Guard Base; and Spokane County, Washington, near Fairchild Air Force Base. The primary goal of these exposure assessments is to provide information to communities about levels of PFAS in their bodies. The results of these assessments will help communities better understand the extent of their environmental exposures to PFAS. CDC/ATSDR

will select people in each of these communities randomly to participate in these exposure assessments. Participants will have their PFAS levels checked via blood and urine samples. The exposure assessments are one part of CDC's/ATSDR's efforts to address PFAS exposure in communities. In the future, CDC/ATSDR will explore conducting exposure assessments in additional communities. For more information about the PFAS Exposure Assessment or PFAS, please visit [ATSDR's website](#).

RCRA Pharmaceutical Rule Published In Federal Register: On February 22, 2019, EPA issued the final Resource Conservation and Recovery Act (RCRA) rule streamlining standards for managing hazardous waste pharmaceuticals. 84 Fed. Reg. 5816. Certain pharmaceuticals are regulated as hazardous waste under RCRA when discarded. The final rule removes these pharmaceuticals from full RCRA regulation and creates a new Part 266 Subpart P for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors. Healthcare facilities (for both humans and animals) and reverse distributors will manage their hazardous waste pharmaceuticals under this new set of sector-specific standards in lieu of RCRA generator regulations in Part 262. The new rule also prohibits the disposal of hazardous waste pharmaceuticals down the drain (sewerage) and eliminates the dual regulation of RCRA hazardous waste pharmaceuticals that are also Drug Enforcement Administration (DEA) controlled substances. The rule maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events. The new Subpart codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. Specifically, the rule reaffirms that non-prescription pharmaceuticals and other unsold retail items that have a reasonable expectation of being used/reused or legitimately reclaimed are not solid or hazardous waste. EPA also is amending the P075 acute hazardous waste listing of nicotine and salts to exclude certain U.S. Food and Drug Administration (FDA) approved over-the-counter (OTC) nicotine replacement therapies. The final rule also establishes a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics. The revisions promulgated by EPA will only be effective in those states that do not have final authorization of their base RCRA programs, *i.e.*, Alaska and Iowa. EPA is, however, promulgating the prohibition of "sewerage" hazardous waste pharmaceuticals under the authority of the Hazardous and Solid Waste Amendments in RCRA Section 3018. That prohibition thus will become effective in all states on **August 21, 2019**, the effective date of the rule. The revisions will become effective in those states with RCRA authorized programs only when the states adopt the revisions, although they are not required to do so.

EPA Announces 2018 Annual Superfund Accomplishments: On March 4, 2019, EPA issued its annual report under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). The report is available [online](#). It covers EPA's major accomplishments and environmental progress made during Fiscal Year (FY) 2018 under the program. EPA states that Superfund "is a top priority ... under President Trump, and the agency is making great strides in accelerating sites through remediation and back to productive use." The report states that in FY 2018, EPA deleted all or part of 22 sites from the National Priorities List (NPL), the largest number of deletions in one year since 2005. Additional highlights from the report:

- Improving human health for people living near sites by controlling potential or actual human exposure risk at 32 NPL sites and controlling the migration of contaminated groundwater at 29 sites.
- Returning sites to communities for redevelopment by identifying 51 additional sites as having all long-term protections in place and meeting "sitewide ready for anticipated use" designation, the highest annual result since 2013.
- Completing or providing oversight of 242 removal actions at sites where contamination posed an imminent and substantial threat to human health and the environment.
- Responding to hurricanes, wildfires, and other natural disasters in California, North Carolina, Puerto Rico, and elsewhere.

- Moving sites closer to completion, including West Lake Landfill in Bridgeton, Missouri; USS Lead in East Chicago, Indiana; and San Jacinto Waste Pits in Channelview, Texas.

EPA Releases Analysis Of 2017 TRI: On March 5, 2019, EPA released its 2017 Toxics Release Inventory (TRI) National Analysis. According to EPA, the results show that since 2007, releases of TRI chemicals have declined while the economy has grown. From 2016 to 2017, there was a six percent decrease in the release of TRI chemicals, EPA stated. EPA noted that this reduction is the continuation of a longer-term trend where the releases of TRI chemicals have decreased by nearly 60 percent since 2007.” But the analysis also acknowledged an increase in total releases compared to 2016. From 2016 to 2017, “[t]otal releases to the environment increased by 13%, driven by the 21% increase (433 million pounds) in on-site land disposal.” The metal mining sector accounted for 50 percent of total 2017 releases. The chemical sector was the second highest sector for 2017, with 13 percent of total releases. EPA highlighted some positive data. Air releases of TRI chemicals, for example, declined by 11 million pounds in 2017. Since 2007, air releases of TRI-listed chemicals fell 57 percent at industrial facilities submitting data to the program. Electric utilities are responsible for the greatest decreases in air releases since 2007, but nearly all industrial sectors have reduced their air releases over that time, EPA stated. And 87 percent of the nearly 31 billion pounds of TRI chemical waste was prevented from being released into the environment due to practices such as recycling, energy recovery, and treatment, the analysis shows. Industrial facilities also reported implementing nearly 4,000 new source reduction activities that eliminated or reduced the creation of chemical waste. The 2017 national analysis is available [online](#).

PHMSA Issues IFR Revising HMRs For Lithium Batteries: The U.S. Department of Transportation’s (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) on March 6, 2019, issued an interim final rule (IFR) revising the Hazardous Materials Regulations (HMR) for the transportation of lithium batteries by aircraft. 84 Fed. Reg. 8006. The IFR imposes three main requirements:

1. It prohibits the transport of lithium ion cells and batteries as cargo on passenger aircraft;
2. It requires that lithium ion cells and batteries be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and
3. It limits the use of alternative provisions for small lithium cell or battery shipments to one package per consignment.

The IFR does not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft, nor does it restrict cargo-only aircraft from transporting lithium ion cells or batteries at a state of charge exceeding 30 percent when packed with or contained in equipment or devices. PHMSA made the rule immediately effective.

EPA Retains NAAQS For Sulfur Dioxide: On March 18, 2019, [EPA is scheduled to publish](#) a final action announcing that it is retaining, without changes, the primary (health-based) National Ambient Air Quality Standards (NAAQS) for sulfur oxides (SO_x), a group of closely related gaseous compounds that include sulfur dioxide (SO₂). EPA stated that it made the decision “after carefully reviewing the most recent available scientific evidence and risk and exposure information and consulting with the agency’s independent science advisors.” The current primary standard is set at a level of 75 parts per billion (ppb), as the 99th percentile of daily maximum one-hour SO₂ concentrations, averaged over three years. EPA is required to review NAAQS on a periodic basis. EPA completed its most recent review of the primary SO₂ NAAQS in 2010. 75 Fed. Reg. 35520; June 22, 2010. In that review, EPA significantly strengthened the

primary standard, establishing a one-hour standard and revoking the 24-hour and annual standards. The final rule will become effective 30 days after date of publication in the *Federal Register* (presumably on **April 17, 2019**).

FDA

FDA Proposed Rule For OTC Sunscreen Drug Products Addresses Combination Sunscreen-Insect Repellent Products: On February 26, 2019, FDA issued a proposed rule that would put into effect a final monograph for nonprescription, OTC sunscreen drug products. 84 Fed. Reg. 6204. The proposed rule describes the conditions under which FDA proposes that OTC sunscreen monograph products are generally recognized as safe and effective (GRASE) and not misbranded. Under the proposed rule, products that combine sunscreens with insect repellents would not be GRASE. Sunscreen-insect repellent products are jointly regulated by FDA as sunscreen drugs and by EPA as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On February 22, 2007, FDA and EPA both issued advance notices of proposed rulemaking (ANPR) requesting comment on the appropriate regulatory status of these products. FDA published a notice seeking information to formulate a regulatory position on insect repellent products that contain OTC sunscreen ingredients. 72 Fed. Reg. 7941. EPA published a similar notice announcing that it was also seeking information to determine how insect repellent-sunscreen combination products should be regulated to complete the reregistration review described in the Reregistration Eligibility Decision document for the insect repellent N, N-diethyl-meta-toluamide (DEET). 72 Fed. Reg. 7979. More information is available on our Pesticide Law and Policy Blog[®].

FDA Issues Statement On Asbestos Contamination In Cosmetic Products: On March 5, 2019, FDA Commissioner Scott Gottlieb, M.D., and Susan Mayne, Ph.D., director of the Center for Food Safety and Applied Nutrition (CFSAN) issued a statement on testing done by third-party laboratories that confirmed a 2017 finding of asbestos contamination in certain cosmetic products and new steps that FDA is pursuing to improve cosmetics safety. The results from those tests confirmed the presence of asbestos in three of the product samples collected from Claire's and one of the product samples collected from Justice. All suspect Justice products, including the one that tested positive for asbestos, were previously recalled from the market in 2017. Claire's refused to comply with FDA's request. FDA stated it does not have the authority to mandate a recall, therefore, it is warning consumers not to use these products and will continue to communicate its safety concerns about them. FDA's Safety Alert warned consumers to not use three of Claire's products: Claire's Eye Shadows -- Batch No/Lot No: 08/17; Claire's Compact Powder -- Batch No/Lot No: 07/15; and, Claire's Contour Palette -- Batch No/Lot No: 04/17, because they tested positive for asbestos. FDA encourages consumers and health care providers to report cosmetic-related adverse reactions to its MedWatch reporting system or a consumer complaint coordinator. FDA requests cosmetic firms to take responsible steps to voluntarily register their products and list ingredients, including talc, used in their products via their Voluntary Cosmetic Registration Program (VCRP) which provides a mechanism for cosmetic manufacturers, distributors, and packers to voluntarily file information on their products that are currently being marketed to U.S. consumers and to register their manufacturing and/or packaging facility locations. FDA also requests manufacturers to proactively report adverse events involving cosmetic products to CFSAN's Adverse Event Reporting System.

FDA Announces Availability Of Revised Draft Guidance For Industry On Mitigation Strategies To Protect Food Against Intentional Adulteration: On March 6, 2019, FDA announced the availability of a revised draft guidance for industry "Mitigation Strategies to Protect Food Against Intentional Adulteration: Guidance for Industry." 84 Fed. Reg. 8103. FDA states that the revised draft guidance supersedes the version of the intentional adulteration draft guidance released on June 20, 2018, and that when prepared in final, it will help food facilities that manufacture, process, pack, or hold food, and that are required to register under the Federal Food, Drug, and Cosmetic Act (FFDCA), comply with the requirements of FDA's regulation on Mitigation Strategies to Protect Food Against Intentional Adulteration. FDA is requesting comments to be submitted by **July 5, 2019**.

FDA Commissioner Releases Statement On Biotechnology Innovations: On March 8, 2019, FDA Commissioner Scott Gottlieb, M.D., released a statement on the continued efforts to advance safe biotechnology innovations, and the deactivation of an import alert on genetically engineered (GE) salmon. In his statement, Dr. Gottlieb emphasized FDA's mission to evaluate the safety of intentional genomic alterations (IGA) in animals that will ultimately be sold for consumption in the U.S. According to FDA's recent framework for the efficient development of safe biotechnology products, *Plant and Animal Biotechnology Innovation Action Plan*, Dr. Gottlieb stated that FDA has taken important steps to help advance new products. More information is available on our BRAG™ Biobased Products Blog.

HHS Secretary Announces Norman Sharpless, M.D., As FDA Acting Commissioner: On March 12, 2019, Alex M. Azar III, Secretary of the U.S. Department of Health and Human Services (HHS), announced that Norman E. (Ned) Sharpless, M.D., current director of the National Cancer Institute, will serve as acting commissioner of FDA beginning in **early April**. The current FDA Commissioner, Dr. Gottlieb, resigned on March 5, 2019, for personal reasons. Dr. Sharpless has been the director of the National Cancer Institute (NCI) since October 17, 2017. Prior NCI, Dr. Sharpless served as the director of the University of North Carolina (UNC) Lineberger Comprehensive Cancer Center, a position he held since January 2014. Dr. Sharpless was a Morehead Scholar at UNC-Chapel Hill and received his undergraduate degree in mathematics. He went on to pursue his medical degree from the UNC School of Medicine, graduating with honors and distinction in 1993. He then completed his internal medicine residency at the Massachusetts General Hospital and a hematology/oncology fellowship at Dana-Farber/Partners Cancer Care, both of Harvard Medical School in Boston.

NANOTECHNOLOGY

ECHA Interview Focuses On Research On Safety Of Nanomaterials: The February 2019 issue of the European Chemicals Agency's (ECHA) *Newsletter* includes an interview with Eva Valsami-Jones, Professor of Environmental Nanoscience at the University of Birmingham and leader of the European Union (EU) NanoSafety Cluster Coordination Team, on research on the safety of nanomaterials. The NanoSafety Cluster coordinates the funding of research projects at the European level that address the safety aspects of nanomaterials and related technologies, such as toxicity, exposure, and standardization.

EU NanoSafety Cluster Announces Its Support Of The Malta Initiative: On February 18, 2019, the EU NanoSafety Cluster announced that it is supporting the Malta Initiative by linking various projects with activities developed within the Malta Initiative. In line with existing Organization for Economic Cooperation and Development (OECD) procedures, any country or organization with expertise interested in working on adapting existing OECD Test Guidelines or developing new OECD Test Guidelines and/or Guidance Documents is welcome to become an active contributor. The Malta Initiative Board was formed to facilitate and steer the activities of the Malta Initiative. More information is available in our February 19, 2019, blog item.

White House OSTP's Science And Technology Highlights Include Advances In Nanotechnology: On February 21, 2019, the White House Office of Science and Technology Policy (OSTP) posted a report entitled *Science & Technology Highlights in the Second Year of the Trump Administration*. The report highlights science and technology achievements, including supporting and celebrating key advances in nanotechnology.

JRC Opens Calls For The Nanobiotechnology Laboratory: The European Commission's (EC) Joint Research Center (JRC) opened its scientific laboratories and facilities, including its Nanobiotechnology Laboratory, to people working in academia and research organizations, industry, and small and medium-sized enterprises (SME). JRC opened a call on February 1, 2019, for the Nanobiotechnology Laboratory for several priority topics. The call ends on **May 3, 2019**. JRC opened a call on March 4, 2019, for certain training and capacity building topics for the Nanobiotechnology Laboratory. Applications are due **June 3, 2019**. For each call, JRC requires that the lead user institution and user

institutions be from a country associated to the EU Research Program Horizon **2020**. The lead user institution must be from a university, research or public institution, or from an SME. More information is available in our [March 8, 2019, blog item](#).

NNCO Celebrates NNI's 15th Anniversary: The National Nanotechnology Coordination Office (NNCO) announced on February 28, 2019, that it is planning a number of activities to celebrate the [15-year anniversary of the National Nanotechnology Initiative](#) (NNI). Upcoming events will include:

- Special anniversary episodes of “Stories from the NNI” podcast series;
- Plenary keynote panel at Nanotech **2019**, part of [TechConnect World Innovation Conference & Expo, June 17-19, 2019](#), in Boston, Massachusetts; and
- The NNI at 15: A Stakeholder Workshop on the Past, Present, and Future of the NNI, **August 1-2, 2019**, in Washington, D.C.

ISO Publishes Standard On Considerations For The Measurement Of Nano-Objects And Their Aggregates And Agglomerates In Environmental Matrices: The International Organization for Standardization (ISO) has published standard ISO/TR 21386, “[Nanotechnologies -- Considerations for the measurement of nano-objects and their aggregates and agglomerates \(NOAA\) in environmental matrices](#).” The standard provides some considerations for the collection of environmental samples to be analyzed for manufactured NOAA, considerations to distinguish manufactured NOAA from background levels of naturally occurring nanoscale particles of the same composition, and preparation procedures to aid in the quantification of manufactured nanomaterials in environmental matrices.

The ISO standard builds on the work of the Industry Consortium for Environmental Measurement of Nanomaterials (ICEMN), a consortium of stakeholders involved with the production, assessment, and use of nanomaterials working collectively and cooperatively to provide information that would address environmental measurement of nanoscale materials and to enhance the state of the science in this regard. The Consortium included representatives from industry, academia, and government groups, and was managed by B&C[®] Consortia Management, L.L.C. (BCCM).

2019 NanoEHS CORs Workshop Will Be Held In October: The [2019 U.S.-EU NanoEHS Communities of Research \(COR\) Workshop](#) will take place **October 15-16, 2019**, at the Europole de l'Arbois in Aix en Provence, France. The workshop is organized by NNI and the EC. The [agenda](#) for the October 2018 Bridging NanoEHS Research Efforts Joint Workshop and a number of presentations are available online. More information is available in our [March 13, 2019, blog item](#).

LEGISLATIVE

House Subcommittee Holds Hearing On “Dismal” EPA Enforcement Numbers: On February 26, 2019, the House Energy and Commerce Subcommittee on Oversight and Investigations held a hearing on slumping EPA enforcement numbers. In a video announcing the hearing, Committee Chairman Frank Pallone, Jr. (D-NJ) said EPA's data indicate “a dismal enforcement record.” The video is available [online](#). The hearing was titled “EPA's Enforcement Program: Taking the Environmental Cop Off the Beat.” The hearing was sparked by EPA's 2018 enforcement numbers, which indicate a significant slowing of enforcement actions. Adding to the Committee's concern is an analysis released by former Office of Enforcement and Compliance Assurance (OECA) Assistant Administrator Cynthia Giles. Her analysis indicates that EPA's combined civil and administrative penalties were the lowest since 1994. Ms. Giles' analysis is available [online](#) (subscription required). Testifying before the committee were:

- Susan Bodine, Assistant Administrator, OECA, EPA;
- Bruce Buckheit, JD, MS Analyst and Consultant, Former Director, Air Enforcement Division, OECA, EPA;
- Bakeyah Nelson, Ph.D., Executive Director, Air Alliance Houston;
- Eric Schaeffer, JD, Executive Director, Environmental Integrity Project;
- Chris Sellers, Ph.D., M.D., Professor of History Director, Center for the Study of Inequality and Social Justice, Stony Brook University;
- Jay Shimshak, Ph.D., Associate Professor of Public Policy and Economics, Frank Batten School of Leadership and Public Policy, University of Virginia; and
- Ronald J. Tenpas, J.D., Partner, Vinson & Elkins LLP, Former Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice (DOJ).

Witness testimony, member statements and an archive of the webcast are available [online](#).

House Appropriations Subcommittee Holds Hearing On EPA Spending: On February 26, 2019, the House Appropriations Subcommittee on Interior, Environment, and Related Agencies held a hearing on spending issues under the panel's jurisdiction. Over the course of morning and afternoon sessions, the panel heard testimony from a host of individuals and from dozens of organizations including the American Lung Association, the National Association of Clean Air Agencies, the American Battlefield Trust, the Nature Conservancy, and the American Society of Civil Engineers. An archived webcast of the hearing and witness testimony are available [online](#).

House Appropriations Subcommittee Holds Hearing On Climate Change Research: On February 26, 2019, the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on climate change research. The title of the hearing was "Understanding the Changing Climate System and the Role of Climate Research." Testifying during the hearing were Michael Freilich, Ph.D., Director of the National Aeronautics and Space Administration's (NASA) Earth Science Division and Neil Jacobs, Ph.D., Assistant Secretary of Commerce for Environmental Observation and Prediction. An archived webcast of the hearing and witness testimony are available [online](#).

House Committee Holds Hearing On Federal Infrastructure Policy And Climate Change: On February 26, 2019, the House Transportation and Infrastructure Committee held a hearing titled "Examining How Federal Infrastructure Policy Could Help Mitigate and Adapt to Climate Change." The hearing examined how federal infrastructure policy could help with climate change mitigation and adaptation. Testifying at the hearing were:

- Dr. Daniel Sperling, Board Member, California Air Resources Board (CARB);
- Vicki Arroyo, Executive Director, Georgetown Climate Center;
- Professor Thomas P. Lyon, Stephen M. Ross School of Business, University of Michigan;
- Ben Prochazka, Vice President, Electrification Coalition;
- Nancy Young, Vice President, Environmental Affairs, Airlines for America;

- Kevin DeGood, Director, Infrastructure Policy, Center for American Progress;
- James M. Proctor II, Senior Vice President & General Counsel, McWane Inc.;
- Dr. Whitley Saumweber, Director, Stephenson Ocean Security Project, Center for Strategic & International Studies; and
- Lynn Scarlett, Vice President, Policy and Government Affairs, The Nature Conservancy.

An archived webcast of the hearing and witness testimony are available [online](#).

Local Water Protection Act Introduced In House: On February 26, 2019, Representative Angie Craig (D-MN) introduced a bill intended to reduce harmful pollution in sources of water caused by the runoff of snowmelt and rainfall. The Local Water Protection Act (H.R. 1331) increases a grant fund intended to give local and state governments the flexibility to make conservation improvements aimed at decreasing water pollutants through partnerships within their communities. The bill specifically would reauthorize EPA's CWA Section 319 grant program. The bill would increase the grant funding level to \$200 million per FY, made available to state and local governments for technical assistance, financial assistance, education, training, technology transfer, demonstration projects, and monitoring the success of specific nonpoint source implementation projects.

Long-Term Extension To CFATS Program Subject of House Committee Hearing: On February 27, 2019, the House Homeland Security Committee held a hearing examining a long-term extension or reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS). Lawmakers earlier this year passed legislation extending the program for 15 months; it was set to expire on January 18, 2019. Testifying before the panel was David Wulf, Director, Infrastructure Security Compliance Division, Cybersecurity, and Infrastructure Security Agency, Department of Homeland Security; and Nathan Anderson, Acting Director, Homeland Security and Justice, GAO. An archived webcast of the hearing and witness testimony are available [online](#).

Fuel Choice And Deregulation Act Introduced In Senate: On February 27, 2019, Senators Rand Paul (R-KY) and Chuck Grassley (R-IA) introduced the Fuel Choice and Deregulation Act of 2019 (S. 581). The legislation would remove "burdensome" regulations on domestic energy production. The bill "provides new economic opportunity for Kentucky farmers by allowing fuel producers and automobile manufacturers to innovate and bring new products to market that will lower costs for consumers, increase domestic energy production, and protect the environment," said Senator Paul. The Fuel Choice and Deregulation Act would remove regulations blocking higher ethanol blends, such as E15, from entering the marketplace. It also removes the requirement for EPA certifications on aftermarket vehicle conversions. The bill specifically would reform Reid Vapor Pressure (RVP) requirements by allowing higher blend levels of ethanol to exceed the current 9.0 pounds per square inch (psi) standard, and it prevents EPA from regulating biomass fuel. RVP is a measure of how quickly fuel evaporates into the atmosphere. EPA regulates RVP in conjunction with ozone emissions in the summer months. Congress previously directed EPA to issue a "one pound waiver" for ethanol blends of ten percent, allowing E10 to be sold at 10.0 psi. Last year President Trump signed an executive order directing EPA to look into the possibility of allowing year-round sales of E15. This bill extends the Congressional waiver to higher blends of ethanol, including E15.

House Subcommittee Holds Hearing On Paris Accord: On February 28, 2019, the House Energy and Commerce Subcommittee on Environment and Climate Change held a hearing on the Paris Climate Agreement. Cleverly titled "We'll Always Have Paris: Filling the Leadership Void Caused by Federal Inaction on Climate Change," the hearing examined the importance of the United States' continued commitment to the Paris Agreement and how cities, states, and businesses across the country are stepping up to say, "I'm still in." An archived webcast of the hearing and witness testimony are available [online](#).

Senate Confirms Andrew Wheeler: On February 28, 2019, the Senate confirmed Andrew Wheeler to serve as Administrator of EPA. The vote was 52-47, mainly along party lines. Every Democrat voted against Wheeler. Senator Susan Collins of Maine was the sole Republican who voted against him.

House Republican Leadership Names Members Of Climate Change Committee: On February 28, 2019, House Majority Leader Kevin McCarthy (R-CA) named six Republicans to sit on the Select Committee on Climate Change. They are Garret Graves (LA), Morgan Griffith (VA), Buddy Carter (GA), Gary Palmer (AL), Carol Miller (WV), and Kelly Armstrong (ND).

Senate Democrats Introduce Resolution On Global Warming: On February 28, 2019, Senator Tom Carper (D-DE), ranking member on the Senate Environment and Public Works (EPW) Committee, and Minority Leader Chuck Schumer (D-NY), introduced a resolution (S.J. Res. 9) on climate change. All 47 members of the Democratic Caucus co-sponsored the resolution. The resolution states: “climate change is real; human activity during the last century is the dominant cause of the climate crisis, and the United States and Congress should take immediate action to address the challenge of climate change.” Senators Carper and Schumer also sent a “Dear Colleague” letter to all Republican Senators inviting them to join Democrats in supporting the resolution. The resolution is one of many steps Democrats are taking to go on the offensive on climate change. Companion legislation was introduced in the House by Representative Debbie Dingell (D-MI) (H.R. 535).

Senate Bill Would Require EPA To List PFAS As CERCLA Hazardous Substances: On March 1, 2019, Senator Carper introduced legislation that would require EPA to list all PFAS substances as hazardous substances under Section 102(a) of CERCLA. The bill would give EPA one year to promulgate the listing. Designating a hazardous substance by legislation is an unusual move. Also, such a designation would have significant ramifications for sites with PFAS contamination and would hold liable those potentially responsible for the contamination for remediation costs.

Senate Subcommittee Holds Hearing On States’ Role In Protecting Air Quality: On March 5, 2019, the Senate EPW Subcommittee on Clean Air and Nuclear Safety held a hearing on the role of states in protecting air quality. The focus of the hearing was a discussion of cooperative federalism and the proper balance between federal and state regulation of air quality. Testifying at the hearing were three state regulators: Dave Glatt, Chief of the Environmental Health Section for the North Dakota Department of Health; Becky Keogh, Director of the Arkansas Department of Environmental Quality; and Craig Segall, Assistant Chief Counsel for CARB. An archive of the web broadcast and the witness testimonies are available [online](#).

House Subcommittee Holds Hearing On PFAS: On March 6, 2019, the House Oversight and Reform Subcommittee on Environment held a hearing examining PFAS chemicals and their risks. The first witness at the hearing was Congressman Brian Fitzpatrick (R-PA), who co-chairs the Congressional PFAS Task Force. In 2017, he introduced legislation that was enacted that requires the Department of Defense (DOD) to carry out a nationwide, five-year human health effects study on PFAS chemicals. In his testimony, he stated that “while this study remains underway, there currently exists a broad enough body of research to justify regulating these chemicals as hazardous substances” under CERCLA. He cautioned, however, against “over-regulating these chemicals.” Representative Daniel Kildee (D-MI) also testified. Dave Ross, Assistant Administrator for EPA’s Office of Water provided background on EPA’s approach to dealing with PFAS contamination. Maureen Sullivan, DOD’s Assistant Secretary of Defense for the Environment gave an overview of what steps DOD is taking to address PFAS contamination at its sites. An archive of the hearing and witness testimony are available [online](#).

Bipartisan Senate And House Bills Would Reauthorize Chesapeake Bay Program: On March 7, 2019, Senators Ben Cardin (D-MD) and Shelley Moore Capito (R-WV) introduced bipartisan legislation to reauthorize the Chesapeake Bay Program. The Chesapeake Bay Program Reauthorization Act (S. 701) would provide \$90 million in FY 2020, with a \$500,000 increase each year for the five years authorized. The vast majority of funding for the program would go directly toward states within the Chesapeake Bay Watershed -- Virginia, Maryland, Delaware, West Virginia,

Pennsylvania, and New York, plus the District of Columbia -- to help control pollution and manage runoff into the tributaries that feed into the Bay. Companion legislation was introduced in the House by Representatives Elaine Luria (D-VA), John Sarbanes (D-MD), Bobby Scott (D-VA), and Rob Wittman (R-VA) (H.R. 1620). Created by President Reagan and ratified by Congress in 1987, authorization for the Chesapeake Bay Program expired in FY 2005, although Congress has appropriated funds each year for it. In June 2014, a new voluntary Chesapeake Bay Watershed Agreement was signed by the governors of the six states in the watershed and the federal government. The agreement has ten goals to improve water quality in local rivers and streams and the Chesapeake Bay by **2025**. Under the program, federal funds are used to coordinate the science, research, modeling, monitoring, data collection, and other activities essential to the Bay Agreement. Over 60 percent of funds go to states, primarily through grants programs that leverage private investment for restoration activities. Each Bay Program partner uses its own resources to implement Bay restoration and protection activities. To protect the quality of the Chesapeake Bay, the program results in appropriate discharge permit limits imposed upon facilities that discharge waters to the Chesapeake Bay watershed.

Senate And House Bills Would Amend TSCA To Ban Asbestos: On March 7, 2019, Senator Jeff Merkley (D-OR) introduced the Alan Reinstein Ban Asbestos Now Act of 2019 (S. 717). The bill would ban the mining, importation, use, and distribution in commerce of asbestos and any asbestos-containing mixtures in the U.S. Companion legislation (H.R. 1603) was introduced in the House by Suzanne Bonamici (D-OR). The bill is named after Alan Reinstein, who passed away in 2006 at the age of 66 from mesothelioma, a disease caused by exposure to asbestos. Mr. Reinstein's wife, Linda, co-founded the Asbestos Disease Awareness Organization (ADAO) in 2004. Asbestos is still legal in the U.S., even though more than 60 other countries have banned it. Asbestos is one of ten chemicals selected for risk reviews under the 2016 revised TSCA. Lawmakers note that "EPA's safety assessment must be completed before EPA can consider any controls on asbestos, and the EPA is not required to ban it." They added that "President Trump and his handpicked leadership at the EPA have made clear that they will not prioritize taking dangerous chemicals off of the market." Specifically, the bill would amend TSCA to direct EPA, within one year after the date of enactment of the bill, to ban the manufacturing, processing, use, and distribution in commerce of asbestos and any mixture or article containing asbestos. There is an exemption for national security purposes, but only for a three-year period with one three-year extension allowed. The bill also would require within 120 days of enactment any person or entity that has manufactured, processed, or distributed in commerce asbestos or any mixture containing asbestos in the last three years to submit to EPA a detailed report regarding the description of the activity; the quantity, quality, and concentration of asbestos; and reasonable estimates of the number of individuals that have been or will be exposed to asbestos due to the activity. Under the legislation, EPA would be required to consult with HHS and the Department of Labor (DOL) to submit to Congress within 18 months a report assessing the legacy presence of asbestos in residential, commercial, industrial, public, and school buildings and the extent of exposure and risk to human health associated with the asbestos present in those buildings.

President Trump Signs PRIA 4 Reauthorization Bill: On March 8, 2019, President Trump signed S. 483, the "Pesticide Registration Improvement Extension Act of 2018," which reauthorizes the Pesticide Registration Improvement Extension Act (PRIA 4) through FY **2023**, updates the fee collection provisions and authorities available under FIFRA, and addresses worker protection matters. The text is available at [Congress.gov](https://www.congress.gov). On February 14, 2019, the Senate approved S. 483 and the House of Representatives approved it on February 25, 2019. Further amendments were made and the Senate approved the amended text on February 28, 2019. More information on the PRIA 4 legislation is available on our blog under key word [PRIA](#).

Trump Budget Request Would Cut EPA's Funding By 31 Percent: On March 11, 2019, the Trump Administration released its FY **2020** proposed budget request. Titled "A Budget for a Better America," the recommendation would scythe the EPA's funding by approximately 31 percent and cap staff at 12,414 full-time employees (FTE), a level not seen since President Reagan's tenure in the White House. The recommended budget is in line with the President's requests for the previous two FYs. Lawmakers rejected those requests and funded EPA far above the levels sought by the White House. The FY 2019 continuing resolution passed by Congress funded EPA at \$8.8 billion; President Trump's

recommended funding level for EPA is \$6.1 billion. Lawmakers are certain to ignore the request and fund EPA at levels they deem appropriate. Nonetheless, the request does provide insight into the Administration's priorities. The budget request indicates three strategic goals to guide EPA's approach to protecting human health and the environment:

- **Goal 1 -- Core Mission:** Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety.
- **Goal 2 -- Cooperative Federalism:** Rebalance the power between Washington and the states to create tangible environmental results for the American people.
- **Goal 3 -- Rule of Law and Process:** Administer the law, as Congress intended, to refocus EPA on its statutory obligations under the law.

The budget request also highlights EPA's six "Agency Priority Goals" and sets deadlines to meet these goals. These are:

- **Improve air quality by implementing pollution control measures to reduce the number of non-attainment areas.** By **September 30, 2019**, EPA will reduce the number of nonattainment areas to 138 from a baseline of 166.
- **Empower communities to leverage EPA water infrastructure investments.** By **September 30, 2019**, EPA will increase by \$16 billion the non-federal dollars leveraged by EPA water infrastructure finance programs (Clean Water and Drinking Water State Revolving Funds and the Water Infrastructure Finance and Innovation Act program).
- **Accelerate the pace of cleanups and return sites to beneficial use in their communities.** By **September 30, 2019**, EPA will make an additional 102 Superfund sites and 1,368 Brownfields sites ready for anticipated use.
- **Meet new statutory requirements to improve the safety of chemicals in commerce.** By **September 30, 2019**, EPA will complete in accordance with statutory timelines: 100 percent of required TSCA risk evaluations for existing chemicals; 100 percent of required TSCA risk management actions for existing chemicals; and 80 percent of TSCA pre-manufacture notice final determinations.
- **Increase environmental law compliance rate.** Through **September 30, 2019**, EPA will increase compliance by reducing the percentage of CWA National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits to 21 percent from a baseline of 24 percent.
- **Accelerate permitting-related decisions.** By **September 30, 2019**, EPA will reduce by 50 percent the number of permitting-related decisions that exceed six months.

The funding priorities laid out in the budget request are:

- Infrastructure;
- Improving air quality;
- Clean and safe water;

- Revitalizing land;
- Ensuring the safety of chemicals;
- Protecting children;
- Regulatory and permitting priorities; and
- Establishing new fees.

The budget request would also eliminate scores of EPA programs, many of them popular with lawmakers and states. The budget request notes that the programs earmarked to be culled totaled over \$650 million and that the Administration “is committed to creating a leaner, more accountable, less intrusive, and more effective Government.” The programs that the White House seeks to kill include:

- Alternative Dispute Resolution;
- Categorical Grants for: Beach Protection; Reducing Lead Exposure; Reducing Nonpoint Source Pollution; Pollution Prevention; and Reducing Radon Exposure; and the Underground Storage Tank Program;
- Endocrine Disruptors Program;
- Geographic Programs for the Gulf of Mexico, Lake Champlain, Long Island Sound, Puget Sound, San Francisco Bay, and South Florida;
- Monitoring for the Gold King Mine site;
- Infrastructure Assistance for the Mexico Border;
- The National Estuary Program;
- The Pollution Prevention Program;
- The RCRA Waste Minimization and Recycling Program;
- The Reducing Lead in Drinking Water Program;
- Regional Science and Technology Programs;
- The Scientific Policy and Biotechnology Program;
- The Small Minority Business Assistance Program;
- The Stratospheric Ozone Multilateral Fund; and
- The TSCA Lead Risk Reduction Program.

House Subcommittee Holds Hearing On Risks Of Carcinogens In Consumer Products: On March 12, 2019, the House Oversight and Government Reform Subcommittee on Economic and Consumer Policy held a hearing to examine the public health risks of carcinogens in consumer products. The hearing examined the scientific evidence of health risks from long-term use of consumer products containing talc. Sparking the hearing was a February 21, 2019, action by DOJ and the Securities and Exchange Commission (SEC) issuing subpoenas in an investigation of asbestos in Johnson & Johnson's baby powder. Also, on March 5, 2019, FDA confirmed that it detected asbestos in product samples collected from Claire's and Justice retailers marketed to children. In the wake of these findings, FDA issued a statement urging cosmetic firms to "take responsible steps to voluntarily register their products and list ingredients, including talc, used in their products via the FDA's Voluntary Cosmetic Registration Program." Testifying before the subcommittee were Anne McTiernan, M.D., Ph.D., Member, Fred Hutchinson Cancer Research Center; Scott Faber, Vice President of Government Affairs, Environmental Working Group; and Marvin Salter, the son of a deceased ovarian cancer patient. A webcast of the hearing and witness testimonies are available [online](#).

Senate Bill Seeks To "Thwart Trump Administration Efforts to Twist Climate Change Science": On March 12, 2019, Senator Robert Menendez (D-NJ) introduced legislation that he states responds "to President Donald Trump's recent efforts to undermine the prudent use of climate change data and forecasting in national security planning and analysis." Co-sponsors of the legislation include all Democrats on the Senate Foreign Relations Committee Members. The Climate Security Act of 2019 (S. 745) is intended to ensure that that "misguided political ideology on climate change" does not compromise the quality of U.S. intelligence and national security strategies. The bill would establish a "Climate Security Envoy" within the State Department responsible for developing strategies for improving the integration of climate change science, data, and forecasting in national security operations as well as facilitating interagency collaboration between the federal government's science and security agencies. It also outlines policies for how climate change data and forecasting should inform national security planning and analysis while calling for periodic global assessments on the risks climate change poses to national and global security. The legislation also formally reestablishes the Special Envoy for the Arctic. President Trump dismantled the Special Envoy to the Arctic's office in 2017.

Bipartisan Senate Bill Would Reauthorize the Diesel Emissions Reduction Program: On March 12, 2019, calling it one of the "one of the most cost-effective federal clean air programs," Senator Carper introduced legislation (S. 747) to reauthorize the diesel emissions reduction program. Senator Carper is the Ranking Member on the Senate EPW Committee. The bill is co-sponsored by Senators Capito, Jim Inhofe (R-OK), John Barrasso (R-WY), Sheldon Whitehouse (D-RI), Dan Sullivan (R-AK), Cory Booker (D-NJ), Kirsten Gillibrand (D-NY), Kevin Cramer (R-ND), and Chris Van Hollen (D-MD). The bill would reauthorize the program through FY 2024 at its current funding levels. The program was first established in the Energy Policy Act of 2005. It is administered by EPA and uses federal funding - distributed through grants and rebates -- to leverage state and other non-federal funding to finance the voluntary replacement or installation of retrofits on existing heavy-duty diesel vehicles and engines.

Senate Bill Would Establish Climate Change Advisory Commission: On March 12, 2019, Senator Dick Durbin (D-IL) introduced legislation (S. 763) on climate change. Specifically, the bill would establish the Climate Change Advisory Commission to develop recommendations, frameworks, and guidelines for projects to respond to the impacts of climate change. It also would fund projects that aid in adaptation to climate change. Companion legislation (H.R. 1689) was introduced in the House by Representative Ted Deutch (D-FL).

Senators Peters, Durbin, Duckworth Introduce Bill To Study Effects Of Petroleum Coke: On March 12, 2019, Senators Gary Peters (D-MI), Dick Durbin (D-IL), and Tammy Duckworth (D-IL) introduced legislation that would address the concerns of petroleum coke. The legislation (S. 757) is intended to pave the way for federal environmental safety regulations on the fuel. The Petroleum Coke Transparency and Public Health Act of 2019 would require the federal government to study the potential health risks posed by petroleum coke exposure, as well as the environmental impacts. Based on the results of the study, the bill would mandate the implementation of federal safety standards for the

storage and transportation of petroleum coke. Senators Durbin and Peters previously introduced this legislation in 2015. According to Senator Durbin, there has been a limited review of petroleum coke's potential health and environmental effects, and each state has different regulations for its storage and transportation. The bill seeks to fill in those gaps by requiring HHS to conduct a comprehensive assessment of the public health and environmental impacts of petroleum coke production and use; an assessment of best practices for storing, transporting, and managing the material; and an analysis of current and projected domestic production and use. Companion legislation was introduced in the House by Representative Rashida Tlaib (D-MI) (H.R. 1675).

House Homeland Security Subcommittee Holds Hearing On Improving CFATS Program: On March 12, 2019, the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Innovation held a hearing on the CFATS program. Entitled "Securing Our Nation's Chemical Facilities," the hearing sought input and perspectives from stakeholders on improving the CFATS program. Witnesses testifying before the hearing were John S. Morawetz, International Chemical Workers Union Council (ICWUC) of the United Food and Commercial Workers International Union (UFCW); Dr. Mike Wilson, National Director, Occupational and Environmental Health Program, BlueGreen Alliance; Pamela Nixon, President, People Concerned About Chemical Safety; and Kirsten Meskill, Director, Corporate Security, BASF. An archived webcast of the hearing, testimony, and opening statements by subcommittee members are available [online](#).

House Subcommittee Holds Hearing On EPA's Failure To Protect Workers From Chemical Risks: On March 13, 2019, the House Energy and Commerce Subcommittee on Environment and Climate Change held a hearing on "[Mismanaging Chemical Risks: EPA's Failure to Protect Workers](#)." The Subcommittee addressed how EPA "is systemically ignoring worker risks in its implementation of the [Lautenberg Act] and other worker protections." Energy and Commerce Chairman Pallone and Environment and Climate Change Subcommittee Chairman Paul Tonko (D-NY) [stated](#) that protecting vulnerable populations is an essential part of EPA's mission, but under the Trump Administration, EPA "has systematically undervalued or completely overlooked the risks workers face from exposure to chemicals on the job. Workers should not have to choose between their health and their jobs." Information for the hearing, including the Majority Memorandum, witness list and testimony, and a live webcast, are available on the [hearing web page](#).

Scientific Integrity Act Introduced In House, Senate: On March 13, 2019, Representative Tonko and Senator Brian Schatz (D-HI) introduced the Scientific Integrity Act (H.R. 1709; S. 775). The bill would shield public scientific research and reports from the influence of political and special interests. Representative Tonko in a statement said "President Trump's ... assault on environmental standards has hinged on efforts to distort, bury and even rewrite credible public scientific findings, including his absurd denial of the growing climate crisis and efforts to cover up evidence that the American people are being exposed to dangerous toxins. Protecting the integrity of that science is one of the most important ways we can hold this President and his Administration accountable. Distorting or suppressing public science undermines our ability to protect the health and safety of the American people." The statement also cited as the need for the legislation President Trump's "track record of distorting or suppressing science." He stated that in its first two years, the Trump Administration has buried reports on public health risks from PFAS substances, falsified scientific claims to justify restrictions on birth control access, prohibited CDC staff from using the phrases "evidence-based" and "science-based," and banned federal scientists from speaking about climate change. The bill would seek to prevent undue influence over federal science by establishing uniform standards at U.S. agencies to adopt or strengthen existing scientific integrity policies. The legislation would formalize and reinforce policies that require federal agencies that conduct or fund scientific research to maintain clear scientific integrity principles. It also would affirm that science dictates policy, and that scientific research should be free from the pressure of politics, ideology, or financial influence; and it would hold public scientists to high standards and guarantee their rights and protections under the law.

MISCELLANEOUS

PHMSA Study Will Assess Aligning U.S. And International Regulations For Aerosol Containers: DOT's PHMSA routinely reviews and amends the HMRs to harmonize them with international regulations and standards. In February 2019, PHMSA's Office of Hazardous Materials Safety contracted with the Cambridge Systematics Team to conduct a risk assessment for the transportation of aerosol containers to align U.S. and international regulations. The study is intended to determine whether the United Nations (UN) Recommendations on the Transport of Dangerous Goods -- Model Regulations (Model Regulations) definition of aerosols maintains an equivalent level of safety to the definition in the HMRs and to assess the risk associated with aligning the definitions. The study is expected to be completed in **February 2020**, and any rulemaking to align the definition of aerosol containers would be issued after that. More information is available in our March 5, 2019, memorandum.

USTR Delays Raising China Tariffs: On March 5, 2019, the United States Trade Representative (USTR) announced that it has decided to delay raising tariffs on some \$200 billion of goods imported into the U.S. from China. 84 Fed. Reg. 7966. On September 21, 2018, USTR announced that the Trump Administration was imposing tariffs of ten percent on some \$200 billion of goods imported from China. 83 Fed. Reg. 47974. That list included hundreds of items and goods and Harmonized Tariff Schedule (HTS) codes, including numerous chemical goods. USTR was set to increase these tariffs to 25 percent on March 2, 2019, unless progress was being made in trade negotiations between the U.S. and China. The U.S. is engaging with China with the goal of obtaining the elimination of the acts, policies, and practices that triggered the imposition of tariffs. The leaders of the United States and China met on December 1, 2018, and agreed to negotiate on a range of issues. Since the December 1 meeting, the United States and China have engaged in additional rounds of negotiation on these issues. In light of progress in discussions with China, on February 24, 2019, the President directed USTR to postpone the increase in tariffs scheduled for March 2, 2019. USTR stated that "in light of progress of the additional rounds of negotiations since December 2018, and at the direction of the President, the Trade Representative has determined that it no longer is appropriate for the rate of duty under the September 2018 action to increase to 25 percent on March 2, 2019, and that the rate of duty under the September 2018 action will remain at 10 percent until further notice."

USTR Releases 2019 Trade Policy Agenda and 2018 Annual Report: On March 1, 2019, the USTR released its *2019 Trade Policy Agenda and 2018 Annual Report*. The report is available online. Successfully navigating trade issues with China and Congressional approval of the U.S.-Mexico-Canada (USMCA) Free Trade Agreement dominate USTR's agenda and occupy its top priorities. USTR's report portrays the U.S. as the victim of an increasingly unfair international trading system. USTR acknowledges that the U.S. had benefited for decades but complains that by the time President Trump took office, "significant flaws in that system were hurting American workers and businesses." The report underscores three main points:

1. Inheriting a Deeply Flawed Global Trading System -- The report states that President Trump inherited a deeply flawed global trading system that put U.S. companies and workers at an unfair disadvantage and discouraged true market competition. The U.S. has been poorly served by outdated and imbalanced trade agreements such as the North American Free Trade Agreement (NAFTA) and the U.S.-Korea Free Trade Agreement (KORUS) that reduced economic opportunities for many Americans, the report claims. It offers the following as evidence of the "failing multilateral trade system":
 - No new significant multilateral market access agreements have been made at the World Trade Organization (WTO) since it was formed in 1994.
 - The harmful judicial activism of the WTO's Appellate Body.
 - Unfair trade has harmed U.S. workers and businesses, including through non-market policies causing overcapacity, China's attacks on U.S. innovation and intellectual property, and U.S. trade partners disregarding

labor and environmental obligations and science-based standards.

2. Making U.S. Trade Policy Work Better for American Workers -- The report states that President Trump delivered on his promises to withdraw from the Trans-Pacific Partnership (TPP) and negotiate better trade deals. It adds that KORUS was revised in a matter of months and achieved significant outcomes for U.S. workers and businesses, including expanding U.S. access to Korea's market and addressing long-standing concerns with onerous and costly procedures. NAFTA was renegotiated with "unprecedented speed into the [USMCA] to rebalance America's trade relationships and better serve the interests of American workers, farmers, ranchers, and businesses." As a new paradigm for future trade agreements, the USMCA "is the most advanced trade agreement ever negotiated by the United States on key issues like labor, environmental protection, currency manipulation, intellectual property, and digital trade," USTR claims. The Administration is dedicated to enforcing aggressively U.S. trade laws using all available tools to prevent other countries from unfairly attacking our market and to create a fairer and stronger economy for American workers. The Administration launched the investigation into China's treatment of U.S. intellectual property under Section 301 of the Trade Act of 1974, resulting in findings that warranted the imposition of tariffs to obtain the elimination of China's unfair trade acts, policies, and practices. The U.S. has worked closely with leaders from the EU and Japan, who share many of the concerns expressed by the United States regarding China's actions. The U.S. has engaged in negotiations with China on structural changes with respect to forced technology transfer, intellectual property protection, non-tariff barriers, cyber intrusions and cyber theft, services, and agriculture.
3. Pursuing New Trade Deals and Stronger Enforcement to Continue Rebalancing America's Trade Relationships -- The report states that in 2019, the Trump Administration will continue working to rebalance U.S. trade relationships for the benefit of American workers and businesses. The Administration's trade agenda will continue to focus on efforts to strengthen the U.S. economy and thereby help to generate the resources necessary to preserve national security. This includes efforts to preserve the innovation and technology that remain vital not only to the economy and national defense. The Administration will continue pursuing new trade deals with strategic partners, including the launch of new trade negotiations with Japan, the EU, and the United Kingdom (UK), and to deepen trade with Kenya through a trade and investment working group. The Administration will continue to enforce U.S. laws and trading rights through the monitoring of trade agreements, engagement in formal challenges at the WTO, and action under U.S. trade laws. The Administration will continue to work to rebalance the global economy, leading to more sustainable economic growth in the U.S.

European Court Annuls Prior Judgments to Protect Testing Information Related to Glyphosate

Authorization: On March 7, 2019, in the Court of Justice of the European Union (EU), the Eighth Chamber of the General Court issued two judgments in cases regarding access of confidential information related to glyphosate. One of these decisions (*Tweeddale v. EFSA, Case T-716/14*) related to a 2014 request for two toxicity studies that were "key studies" in the determination of glyphosate's acceptable daily intake (ADI). The second decision (*Hautala v. EFSA, Case T-329/17*) related to a request from Members of the European Parliament for access to parts (*i.e.*, "material, experimental conditions and methods" and "results and discussions") of 12 unpublished carcinogenicity studies, described as the "'most crucial' studies for the peer review and [EFSA's] conclusion that glyphosate is unlikely to pose carcinogenic hazard to humans." Partial access to those studies (*i.e.*, raw data and findings aggregated in tables and figures) had been granted in an earlier 2016 decision.

A prior November 21, 2018, case related to glyphosate (*Stichting Greenpeace Nederland and Pesticide Action Network Europe v. European Commission, Case T-545/11 RENV*) and the General Court/Fourth Chamber's judgment to prevent applicants from receiving access to information on the degree of purity of the active substance glyphosate, as well as the identity and quantities of impurities is discussed [here](#). In contrast to the *Stichting* decision, where access was denied, the court in March 7, 2019, decisions annulled prior decisions dated October 16, 2017 and

March 14, 2017, that refused access to the requested information. More information is available on our [Pesticide Law and Policy Blog[®]](#).

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